

CONFIDENTIAL.

(3689.)

CORRESPONDENCE

RESPECTING

FOREIGN PROTECTION

IN

MOROCCO.

1878-80.

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CONFIDENTIAL.

(3689.)

Correspondence respecting Foreign Protection in Morocco.

No. 1.

Sir J. D. Hay to the Marquis of Salisbury.—(Received July 26.)

(No. 60.)

My Lord,

Tangier, July 10, 1878.

WITH reference to my despatches Nos. 42 and 43 of the 26th and 27th May last, and to your Lordship's despatch No. 21 of the 1st May, I have the honour to inform your Lordship that I have endeavoured to come to an understanding with the French Minister upon the subject of irregular protection afforded by foreign Diplomatic and Consular officers to Moorish subjects, and upon the proposed taxation of foreign and protected subjects who may be engaged in agricultural pursuits in Morocco.

When I called upon M. de Vernouillet, with the intention of discussing these subjects, I took with me a private memorandum of the queries, propositions, and observations I intended to make, and I noted in pencil on the margin his replies and observations. I modified two or three of the propositions I had prepared with the view of meeting his wishes.

I have the honour to transmit a copy of this Memorandum, accompanied by M. de Vernouillet's replies and observations.

He requested me to give him a copy of the Memorandum, but without his replies, which I have done.

I adopted this form of discussing the various questions, in the hope that there might be no misunderstanding hereafter between my French colleague and myself regarding the views we entertain when a meeting takes place of all the foreign Representatives for the final discussion of the demands put forward by the Moorish Government on the subject of irregular protection.

Your Lordship will learn, from a perusal of the Memorandum, that my French colleague appears to entertain generally the same views upon most of the questions at issue as myself.

I put the queries Nos. 1, 2, and 3, for it had come to my knowledge that, notwithstanding M. de Vernouillet had stated, in a meeting last year, that protection to the servants and dependants of his native employés would be discontinued, he had not yet carried out his intentions. The reason given by him for this omission was that other Representatives continue to afford protection to natives similarly situated.

During the discussion M. de Vernouillet observed to me that he thought this labour on our part would be thrown away, as he did not think that other foreign Representatives would agree to the demands of the Moorish Government, or to the propositions I had put forward, and that, so long as other foreign subjects and protected subjects were allowed to retain certain privileges and exemption from taxation, he could not consent that French citizens should be placed on a less favourable footing. I acquiesced in this view, and added that I was persuaded Her Majesty's Government would also never admit that British subjects should not be treated as the subjects of the most-favoured nation, but that I should greatly deplore if any one of the other foreign Governments refused to agree to the demands of the Moorish Government or to modifications similar to those now proposed, as I did not hesitate in expressing my belief that, if a decided check was not placed upon the abuses complained of, Europeans would flock to this country to enjoy the privilege or exemption from agricultural taxation and of exempting the wealthy natives with whom they entered into partnership from all control by and taxation due to the Moorish Government.

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This state of things, I added, would, in course of time, render all government in this country impossible.

I observed to M. de Vernouillet that the only Representatives who I now expected would raise objections to the wishes of the Moorish Government were the Spanish and Italian, though I had hoped, from the language of the latter (M. Scovasso) in the meetings of last year, that he would have adhered to the views he had then expressed; but the fact of his having lately declared that he had not received any instructions from his Government led me to apprehend that there had been a backwardness on his part in supplying the Italian Government with information, which would have enabled them to come to a decision, months ago, upon this subject, as, indeed, had been done by all the other foreign Governments, with the exception of Spain and Portugal.

I added that whatever might be the nature of the final instructions given to the Spanish and Italian, or Portuguese, Governments to their Representatives, it would be a source, I felt persuaded, of satisfaction to Her Majesty's Government—and, from the language that had been held by M. Waddington, also to the French Government—that the language of the French and English Representatives should not be at variance when a final meeting was held on the subject in question.

With reference to the propositions I have put forward regarding the treatment of the agents of merchants called "semsars," appointed or sent into the interior to sell or purchase goods, your Lordship will find that I suggest that more stringent regulations should be put in force than even those contained in the French Convention of 1863, with the exception that the said agents are not to be exempted from the payment of taxes.

In my language at the Conference of last year it will be found that I had stated that during thirty-two years no case—with the exception of one, when full reparation was obtained—had been brought to my knowledge where the agent of a British merchant had been ill-treated or property taken unjustly by the authorities in the interior.

I regret to inform your Lordship that I have lately received reports of outrages committed by the Governor of Shedma and Algarb upon the agents of British merchants, who had been appointed in accordance with the stipulations of the French Convention; but those arrangements have not, as I have remarked to M. de Vernouillet, sufficed to insure, on the present occasion, the agents from the arbitrary and unjust proceedings of the Governors of the Interior.

I will not encroach upon your Lordship's time by sending copies of the complaints I have received and of the steps I have taken to require satisfaction and compensation for the parties aggrieved, as I hope to be enabled—or, in my absence, Her Majesty's Consul—to report that the Moorish Government has given full satisfaction; should it be otherwise, copies of the correspondence will be transmitted to your Lordship.

The suggestions I have put forward in the Memorandum regarding the treatment of agents, if accepted by this Government and the other foreign Governments, would, I think, act as a check upon the arbitrary proceedings of Governors of the Interior, whilst the propositions that I have made that the natives, agents of merchants, should be required to pay taxes according to a fixed Tariff, will satisfy, I should hope, the Moorish Government that though the number of agents will be increased, the receipts of the Sultan's Treasury will not be injuriously affected thereby.

The Sultan's late illness, and the reports in the northern provinces that he was dead, may possibly have encouraged the Governors of the Interior to lay hands upon the agents of British merchants, thinking that at a moment when a general state of anarchy was expected, if the tidings of the Sultan's death were confirmed, they could commit these arbitrary acts with impunity.

In conclusion, I have to repeat that I hope the suggestions I have made regarding the treatment of the agents of merchants will be found preferable, even by the French Government, to their Convention of 1863.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 1.

Private Memorandum of Queries, Propositions, and Observations of Sir J. H. Drummond Hay, in his Interview with M. de Vernouillet on July 5, 1878.

Replies and Observations by M. de Vernouillet.

Protection.

1. Do you admit that protection should be afforded to the partners and servants of native officers, such as interpreters, secretaries, gavasses or other dependants?

No; but so long as some of the other foreign representatives continue to extend protection to Moorish subjects so employed, I cannot admit that natives in the employment of the French Legation should be deprived of these privileges.

2. Is protection afforded to the native servants of French subjects as well as to the "semsars," or agents of merchants?

Protection is afforded to Moors employed by French subjects only so far as is authorized by the Convention of 1863.

3. Is protection afforded to the natives, partners, or shepherds, of French subjects in farming land, tending cattle, or other domestic animals?

Protection is afforded to Moors employed by French subjects only so far as is authorized by the Convention of 1863.

Taxation.

4. The Moorish Government have for many years tacitly admitted the right of foreign subjects to purchase gardens, hire land, and to possess cattle, and other domestic animals for agricultural purposes, and have confirmed their recognition of such rights from the fact of their putting forward the demand about taxation.

If the rights of foreign subjects to possess land, cattle, &c., are admitted, I am then of opinion, as M. Waddington has already stated, that it would be equitable that they should pay taxes.

Are foreign subjects to be exempted from all taxation when engaged in agriculture?

In no other country does such exemption take place.

In 1863 a Convention was concluded between Great Britain and Tunis, in which it is stipulated that British subjects shall possess immoveable property and pay taxes.

A Convention or formal understanding could be entered into with this Government, clearly defining the rights of foreign subjects, before taxation is admitted.

5. Native officers of Legations and Consulates.

Are their partners, dependants, and servants, when engaged in agriculture, to be exempted from taxation, even if it is arranged that foreign subjects are to pay taxes?

It must be borne in mind that one of the chief motives why natives seek for protection is to avoid taxation.

The native officers of foreign Legations and Consulates, by entering into partnership in farming transactions, with wealthy natives, deprive the Sultan of a large amount of taxes, and benefit themselves in proportion, and this evil is on the increase.

If the taxation of foreign subjects engaged in agriculture is admitted, I am of opinion that taxes should be imposed on all persons engaged in agriculture, without exception, even if they be officers of a Legation or Consulate.

Memorandum of Queries, &c.

6. In case all the foreign Governments agree that their subjects and native officers should pay taxes on land and animals engaged in agriculture, it is suggested that a Tariff be prepared in concert with the Moorish Government, fixing the amount of taxes, such taxes to be paid to the authorities through the Consular officer of the district where the protected subject resides. The latter to be required to send in returns of land under cultivation, domestic animals engaged in agriculture, &c.

The penalty of giving false returns to be confiscation of animals not mentioned in lists, which shall be made over by Consul to Moorish authorities.

I think this reasonable.

Gate Taxes.

7. That a Tariff be prepared in concert with the Moorish Government of taxes to be imposed at gates of towns on animals carrying merchandize, instead of the arbitrary taxes now imposed, and which the Moorish Government might at any time augment.

It is suggested that the Moorish Government should be induced to agree that the gate tax be only paid at town of departure.

If a reasonable Tariff is arranged, that foreign Governments should then admit that the gate taxes be paid by all foreign subjects, protected Moorish subjects and Moorish subjects without distinction, even in cases where foreign subjects are the owners of the beasts of burden carrying merchandize, which at present are exempted from gate taxes.

That "teskeres" or papers be issued to drivers of animals carrying merchandize on payment of gate tax, to free them from further charge until delivery of goods, when the "teskere" is to be delivered up.

It is to be borne in mind that as the merchandize belonging to Moorish subjects, who are not protected, is also destined for Europe, the gate taxes are now indirectly paid by the foreign merchants in Europe who trade with Morocco.

It will, therefore, be an advantage to trade in general that a moderate and uniform toll should be fixed, which cannot be hereafter increased by the Moorish Government.

It does not appear to me that any special advantage is afforded to trade in general by the fact of a limited number of Europeans, who reside in Morocco, being exempted from gate taxes, moreover such exemption gives rise to fraud and trickery, as foreign merchants and traders arrange

I think this proposition reasonable.

Replies, &c.

Memorandum of Queries, &c.

Replies, &c.

surreptitiously with natives, owners of camels, &c., that their animals be inscribed as the property of a foreign subject, and thereby exempted from taxation.

Semsars (Agents).

8. Sir J. H. Drummond Hay proposes that the number of Semsars or native agents should not be limited to two for each merchant, as in the French Convention of 1863, but that merchants shall appoint, as in accordance with the spirit of the British Treaty of 1856, native agents at every town in the interior or port that may be requisite.

According to the French Convention of 1863, persons engaged in agriculture are not eligible as mercantile agents; if, however, it is arranged that agents are not to be exempted from paying taxes, there will remain no reasonable grounds on the part of the Moorish Government for objection to the employment of natives engaged in agricultural pursuits. Agents of merchants to pay taxes, like foreign subjects, according to Tariff, through a Consular officer.

If this arrangement is agreed to, the present system of needy and other European traders appointing wealthy Moorish farmers, as their agents or partners, with the view of sharing with them the pecuniary advantages derived from non-taxation would be checked.

The paragraph in the French Convention of 1863 to remain in force as follows:—

"Every person under French protection shall possess a certificate in which his name shall be specified as well as his employment, and this certificate shall be written both in French and Arabic."

That a Royal Order be issued by the Sultan directing that Governors and Sheiks or other authorities are not to molest or interfere with the bearers of such documents.

If an Agent is charged with having committed a murder and is arrested on that account, that no punishment or imprisonment be inflicted by the authority in the interior, who arrests the party accused.

That an inventory of all moveable or immoveable property belonging to the agent who has been arrested be taken by public notaries in the presence of the Governor and of all property he is in possession of belonging to the merchant who employs him, and that a copy be sent to the Governor and Consul at the port.

Memorandum of Queries, &c.

where the merchant resides, the Governor to be held responsible for the safety of the property.

That the party arrested be sent to Tangier or to the port where the merchant who employs him resides, to be tried by a competent tribunal in the presence of the Consul of the nation under whose protection he is placed.

If proved guilty to the satisfaction of the Consul and Moorish authorities, that protection be withdrawn, and he be handed over to the Moorish authorities for the ends of justice.

If proved to be innocent, that the case be brought under the notice of the Sultan through the foreign Representatives, and that the Governor or Sheikh be punished who brought forward the false charge; all expenses and losses of the defendant, to be paid by the Governor or Sheikh who arrested him.

If the Moorish authorities and Consul are at variance regarding the verdict against an agent, that an appeal be made to the Moorish Minister for Foreign Affairs through the foreign Representative.

That the agents of merchants shall not be arrested by Moorish authorities on account of misdemeanours or cases of civil litigation, but that such cases be reported by the Governor of the town or district in the interior, to the Governor of the town where the merchant resides or to Tangier, and that the trial take place in the presence of a Consular officer, and an appeal, if the verdict is disapproved of, to the Moorish Minister at Tangier.

That these semsars or agents pay taxes according to Tariff through the Consul of the merchant who employs them, and that they be free from all fines or arbitrary impositions of Governors and Sheikhs.

Replies, &c.

Though I cannot give any positive assurance regarding the acceptance of these proportions, as they require reflection and a reference to the French Government, yet it appears to me that they deserve consideration.

Naturalization.

9. What does the French Government intend to do about naturalized Moorish subjects and the irregular issue of passports to Moors and Jews returning to their native country?

Papers of naturalization have been issued by various governments, especially by the Portuguese authorities, when Moorish subjects have not fulfilled the requisite term of residence in the country where they are obtained, and yet protection is afforded to such persons.

(Signed) J. H. DRUMMOND HAY.

The French law is that naturalized French subjects shall enjoy French protection, even if they return to their native country; but the French Government have authorized me to withdraw protection from natives of Morocco, who, after obtaining letters of naturalization in France or Algeria, return to Morocco, not on account of temporary business, but to settle permanently in the country.

Inclosure 2 in No. 1.

Convention Française, 1863.

Règlement relatif à la Protection arrêté d'un commun accord entre la Légation de France et le Gouvernement Marocain.

1. La protection est individuelle et temporaire.
2. Elle ne s'applique donc pas, en général, aux parents de l'individu protégé.
3. Elle peut s'appliquer à sa famille, c'est-à-dire, à la femme et aux enfants demeurant sous le même toit.
4. Elle est tout au plus viagère, jamais héréditaire, sauf la seule exception admise en faveur de la famille Benchimol, qui, de père en fils, a fourni et fournit encore des Censeurs interprètes au poste de Tanger.
5. Les protégés se divisent en deux catégories. La première catégorie comprend les indigènes employés par la Légation et par les différentes autorités Consulaires Françaises.

La seconde catégorie se compose des facteurs, courtiers, ou agents indigènes employés par les négociants Français pour les affaires de commerce.

Il n'est pas inutile de rappeler ici que la qualité de négociant n'est reconnue qu'à celui qui fait en gros le commerce d'importation ou d'exportation, soit en son propre nom soit comme concessionnaire.

Le nombre des courtiers indigènes jouissant de la protection Française est limité à deux par maison de commerce.

Par exception, les maisons de commerce qui ont des comptoirs dans différents ports pourront avoir deux courtiers attachés à chacun de ces comptoirs et jouissant à ce titre de la protection Française.

La protection Française ne s'applique pas aux indigènes employés par des Français à des exploitations rurales.

Néanmoins, en égard à l'état de choses existant, et d'accord avec l'autorité Marocaine, le bénéfice de la protection accordé jusqu'ici aux individus compris dans le paragraphe précédent subsistera pendant deux mois, à dater du 1^{er} Septembre prochain.

Il est entendu, d'ailleurs, que les cultivateurs, gardiens de troupeaux, ou autres paysans indigènes au service des Français ne pourront être l'objet de poursuites judiciaires sans que l'autorité Consulaire compétente en soit immédiatement informée, afin que celle-ci puisse sauvegarder les intérêts de ces nationaux.

La liste des protégés sera remise par le Consulat respectif à l'autorité du lieu, qui recevra également avis des modifications apportées par la suite au contenu de cette liste.

Chaque protégé sera muni d'une carte nominative de protection, en Français et en Arabe, indiquant la nature des services qui lui assurent ce privilège.

Toutes ces cartes seront délivrées par la Légation de France à Tanger.

Tanger, le 19 Août, 1863.

No. 2.

Sir J. D. Hay to the Marquis of Salisbury.—(Received July 26.)

(No. 63. Confidential.)

My Lord,

Tangier, July 10, 1878.

WITH reference to my despatch No. 60 of this date, transmitting a Memorandum of what had passed between M. de Vernouillet and myself regarding the irregular protection afforded to Moorish subjects, I will not conceal from your Lordship that, though M. de Vernouillet and I are socially on the most agreeable terms, and though the discussions that took place were of a friendly character and terminated in a satisfactory manner, yet I have very little confidence in the stability of M. de Vernouillet's opinions, as unfortunately he allows himself to be led too often by the views of others, who have not the same sense of right and justice as he naturally appears to have when guided by the dictates of his own judgment and conscience. It was chiefly on this account that I committed to paper all I had to say, as also his replies.

He raised objections when I showed him my Memorandum of this form of procedure, and although he read the replies he had given me, and which I had noted in pencil, he said that I need not give him a copy of them.

If the French Government approves of the propositions that have been made by me, it would be very desirable that specific instructions should be given to M. de Vernouillet, or he may be led by the Spanish Minister, who has just returned, or by others, to alter the opinions he appeared to have formed during our interview.

I may here remark, in justification of my suppositions that his act in arresting a Moorish Governor of a town in the interior, tying his hands, and bringing him prisoner to Tangier,* solely because a trivial dispute had taken place about a baggage animal, and of his subsequently relating this unparalleled proceeding to all his colleagues with expressions of exultation and satisfaction, lead me to apprehend that I may frequently entertain very opposite views as to the mode of procedure with the Government or authorities of this country. M. de Vernouillet's acts and language resemble, moreover, those of my Spanish colleague, M. Romca, in his dealings with this Government.

A Moorish officer of rank observed to me the other day, "How can it be expected that the Governors and Sheikhs of the interior should refrain from committing acts of aggression on natives, the agents of Europeans, when a French Minister arrests a Sultan's Governor and brings him a prisoner to Tangier, and demands that he should be imprisoned and bastinadoed, though he subsequently, at the intercession of Cid Mohammed Bargash, withdrew this demand?"

The French Chancellor de Légation, M. Hecquard, who has been accustomed, I suppose, to violent and arbitrary proceedings in his career in the East, is now the chief adviser of M. de Vernouillet and he led him, I am persuaded, to commit this act of folly; and so long as he is at his side, I do not expect that M. de Vernouillet will show proper regard for the rights of the Sultan as an independent Sovereign, or that he will be enabled to pursue an identic action upon matters of general interest affecting Europeans in the country, as was happily the case, during the period that M. Tissot, the late French Minister, held office at Tangier.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 3.

Mr. Adams to the Marquis of Salisbury.—(Received September 6.)

(No. 694.)

My Lord,

Paris, September 5, 1878.

WITH reference to your Lordship's despatch No. 516 of the 17th ultimo, there has been some unavoidable delay in my obtaining the views of the French Government respecting the question of irregular protection of Moorish subjects by Diplomatic and Consular officers in Morocco.

In my despatch No. 665 of the 23rd ultimo, I stated that M. de Vernouillet was in France on leave of absence. M. Desprez was desirous of consulting him before seeing me again on the matter.

M. de Vernouillet came to Paris, and I had an interview with M. Desprez and him, during which he developed his views at some length on the whole subject in question.

M. de Vernouillet paid a high compliment to Sir J. D. Hay, and enlarged upon the excellent relations which subsisted between them. He admitted that in general their views with respect to this difficult question coincided, and he had every reason to believe that they would continue to act together. But he could not conceal from himself that to bring about an agreement between all the foreign Representatives would be a most difficult, if not an impossible, task, and he cited the Spanish, Portuguese, and Italian Representatives as holding divergent views from Sir J. D. Hay's and his own.

I remarked that this divergence of views on the part of some Representatives only made it, in my opinion, the more important that those of Great Britain and France should act entirely together.

M. de Vernouillet proceeded to say that, whilst agreeing generally with the language used by Sir J. D. Hay in his despatch No. 60 of the 10th July, and admitting the correctness of the Memorandum inclosed therein, and generally of his replies as

* See despatch No. 51, of 12th June, 1878.

reported by Sir J. D. Hay, he must make some observations upon the whole subject, and these were in substance as follows:—

He disapproves of the system of irregular protection, and considers the extension of agricultural taxation to protected subjects and foreigners to be equitable in the limits and in the manner indicated by Sir J. D. Hay.

He is glad that Sir J. D. Hay admits that in exchange for the imposition of new taxes on the possessors of land, whether protected subjects or foreigners, it would be well to claim from the Moorish Government the formal recognition of the right of possession, as it exists in Turkey, Egypt, and Tunis. He notes that Sir J. D. Hay agrees with him, that as long as subjects of other Powers, or natives protected by them, possess certain privileges, such as exemption from taxes, he could not consent that the French should be placed on a less favourable footing. He does not, he confesses, see what inconvenience there would be in the advent of a greater number of Europeans who would encourage agriculture, and thus develop commerce in general. Still, he does not think that so many would come to Morocco, as in ten years not one additional Frenchman has arrived there.

With regard to the suggestion that, for the security of the Semsars, more stringent regulations should be put in force than even those contained in the French Convention of 1863, with the exception that these agents are not to be exempted from taxes, M. de Vernouillet says, that unfortunately the efficacy of these new regulations appears to him more than doubtful, as long as Sir J. D. Hay allows the arrest of Semsars when taken *flagrante delicto* ("sans prétexte de flagrant délit"). In the present state of manners in Morocco, M. de Vernouillet considers that there are grave objections to giving such a power to the Caïds and half-savage Sheikhs of the interior. He says that though Sir J. D. Hay observes that the cases of outrage upon commercial agents are very rare, he recognizes that such cases have just occurred, to the inquiry of British subjects; and though Sir J. D. Hay thinks that he may conclude that the guarantees in the Convention of 1863 are no longer sufficient to ensure perfect security to the Semsars, M. de Vernouillet asks if such precautions have not been sufficient, what will happen if they are to disappear?

With regard to the Memorandum, M. de Vernouillet remarks that as the Treaty of 1767 between Morocco and France exempts Frenchmen from all taxes, whether personal or on property, it would be necessary, if we consent to renounce such a privilege, to insist that the right of possession, imperfectly defined in the Spanish Treaty, should be officially and clearly recognized. He says that Sir J. D. Hay acknowledges the justice of his argument by proposing that, before accepting the principle of taxation, a Convention, or at least a formal understanding, should be entered into with the Moorish Government in order to define clearly the rights of foreign subjects.

With respect to the question in Article V as to whether the partners, dependants, and servants of native officers of Legations and Consulates, when engaged in agriculture, are to be exempted from taxation, even if it is arranged that foreign subjects are to pay taxes, M. de Vernouillet does not think that the abuse here referred to is increasing, but is rather inclined to hold a contrary opinion.

He entirely approves Articles VI and VII.

In Article VIII, Sir J. D. Hay says that the French Convention does not allow a merchant to have more than two Semsars. M. de Vernouillet says that this is a mistake; that their number is not limited to two for each merchant, but to two for each "comptoir," which is very different; and that each merchant can thus have two, four, six, and even eight, according to the extent of his commercial relations, and he would consequently reap no advantage from the introduction into the new arrangement of a pretended increase in number to the detriment of the efficacy of the protection accorded to his agents.

M. de Vernouillet denies that, according to the French Convention of 1863, persons engaged in agriculture are not eligible as mercantile agents. According to him, it only says that the protection is not applicable to natives employed by Frenchmen in rural operations, and it takes care to indicate in a later paragraph who these persons are—viz., cultivators, keepers of flocks, or other native peasants in the service of Frenchmen. These persons, he affirms, are not protected, although they cannot be judicially prosecuted without the competent Consular authority being immediately apprized, and this is natural, as in the present condition of civilization in Morocco a Frenchman cannot be deprived of his shepherd or his gardener without time being given him to find another; but the Convention in no way forbids him from choosing as Semsar a native possessing land or agricultural interests.

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M. de Vernouillet is of opinion that merchants, who have to confide sums of 25,000, 50,000, or 100,000 fr., and even more, to agents who do business for them in the markets in the interior, and always for ready money, must choose those agents from among rich persons who can offer proper guarantees. He does not think it possible to admit that the simple accusation of having committed a murder should be sufficient to authorize a Sheikh to arrest a Semsar whilst exercising his function as an agent. Even if the agent is afterwards released with a number of excuses, if the Sheikh is blamed, or the Pasha dismissed, he considers that the business will still be injured for the merchant who was its originator, and will perhaps even be concluded to the profit of his rival, whilst the equivocating Caïd will console himself for his disgrace or imprisonment by counting the piastres which he has received as the price of his complicity.

M. de Vernouillet's conclusion is, that it seems equitable that protected subjects should (and even foreigners) pay to the Government, in the form indicated by Sir J. D. Hay, the taxes imposed upon Moors on land and animals employed in agriculture; that, as proprietors, the Semsars could be made liable for these taxes; but that as agents of foreign merchants, they must remain inviolable until Moorish laws, and, above all, Moorish manners, permit us to assimilate their conditions to that of the other protected subjects, without danger to our commerce.

I conclude this despatch by recording that M. Desprez, at our interview, and M. Waddington, whom I saw subsequently, both expressed an earnest wish that the English and French Representatives would be able to act cordially together in this somewhat difficult question.

I have, &c.
(Signed) F. O. ADAMS.

No. 4.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received January 6, 1879.)

(No. 71. Consular.)

My Lord,

Tangier, December 21, 1878.

WITH reference to my despatch No. 65 of the 20th ultimo, Consular, I have the honour to acquaint your Lordship that I have received a letter from Mr. Drummond Hay, Her Majesty's Consul at Mogador, in which he states that, having attentively studied the draft Order in Council for Morocco, he concurs in the observations offered by Her Majesty's Consul at Tangier upon certain of its Articles.

He draws my special attention to a subject connected with Part VII of the said Order, regarding which he is of opinion that some provisions might advantageously be made.

The subject to which he refers, frequently adopted by British subjects in this country, of entering into direct communication with the local and foreign authorities and Tribunals, but more particularly with the former, in matters affecting their interest, without the knowledge or previously obtained sanction of the British Consular Officer. This practice gives rise to much inconvenience and complications, and frequently of acts of gross injustice.

With the view to checking this abuse Mr. Drummond Hay informs me that he has made it known to British subjects at the Port of Mogador that he will decline to take up any question which they may have already submitted to the local authorities.

He states that it had frequently happened that questions were brought before him by British subjects, which he subsequently discovered had been already heard and determined by the Governor of the town, whose decision being adverse to the British subjects, they have brought the matter to the Consulate.

It is not only regarding matters in litigation that British subjects are accustomed to appeal directly to the Moorish Tribunals, but applications are also frequently made by them to the local authorities, which should properly be made only through the Consulate; such as requests for guards to accompany them, or their property, into the interior, and orders to Moorish notaries to draw up documents for them.

I agree entirely with the views of Mr. Drummond Hay on this subject, cases having frequently come under my notice of the extreme inconvenience of the practice to which he alludes. And not only does it give rise to inconvenience and complications, but it is also frequently the cause of acts of great injustice being done, which reflect discredit upon the British name.

In a country like this, where corruption and venality are so rife, unprincipled British and other foreign subjects are prone to seek to procure by bribery unjust decisions in their favour, or the imprisonment or punishment of persons with whom they may be displeased; they, therefore, address themselves directly to the local authorities, having reason to believe that they would fail to obtain the support of the Consul of their own nation for an irregular and improper object.

Through the drawing up of notarial documents regarding property, without the knowledge of Consular Officers, foreign and British subjects have been enabled by bribery to prefer claims upon this Government or upon Moorish subjects, which have subsequently been found to be illegal or unjust.

I know not whether it may be possible to prevent British subjects altogether from placing themselves in direct communication with the local authorities in such matters, though the subjects of some foreign nations are debarred from so doing by their Governments, and a penalty is inflicted upon those who infringe this regulation, but some provision might, perhaps, be made by which a check may be placed upon this most inconvenient and troublesome practice.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 4 A.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 18.)

(No. 14. Confidential.)

My Lord,

Tangier, February 3, 1879.

THE Jewish Elders in this town have put into my hands a letter addressed to them by the Chief Rabbi at Fez, of which the inclosed document is a translation.

The writer states that two Jews, named Joseph Bensahdon and Jacob Cohen, subjects of the Sultan, but who have obtained French protection, have been in the habit of framing fraudulent documents, through notaries of the Moorish Law (bribed for that purpose), purporting to represent pecuniary claims against rich Mahomedans who happen to die at Fez or in the neighbouring districts.

It would appear from the statement of the Rabbi that several of these fictitious claims have been liquidated, through the intervention of the local authorities, who, I conclude, may have been bribed for that purpose, or who have desired to avoid giving grounds of offence to the French Legation at Tangier, but these frauds have been committed to such an extent that a very strong feeling has been roused amongst the Mahomedans which, it is apprehended, may lead to disastrous consequences for the Jewish population.

The Moorish authorities and Mahomedan Elders of that city made a friendly remonstrance to the Rabbi and Jewish Elders, urging them to take steps to prevent the continuance of these fraudulent proceedings, and the latter, in consequence of these representations, drew up a document which is alleged to have been signed by the Elders and chief Jews of Fez engaged in trade with the Mahomedans, and, amongst them, the two persons in question, stating that when four or five Jews of those who had signed declared that the documents were false, they were to be destroyed without reference to a Tribunal.

Notwithstanding these measures, the Rabbi states that the aforesaid Jews have proceeded to Tangier to obtain the support of the French Consul in behalf of their claims, and he therefore asks that publicity should be given to his protest against these fraudulent proceedings, which have affected, and may effect most prejudicially, the safety and welfare of the Jewish population.

When the document was put into my hands, I was given to understand, confidentially, that some apprehension was felt that the betrayal of the names of the writer or of the party who had delivered it to me, to any member of the French Legation, might give grounds for some future harsh or arbitrary proceedings on the part of M. Hecquard, the Chief Dragoman of the French Legation.

I will not conceal from your Lordship that M. Hecquard has made himself notorious, even during the short time that he has resided in this country, for his total disregard of justice and propriety in dealing with the authorities or natives, especially in questions of a pecuniary character.*

* See despatch No. 51, Confidential, of 12th June, 1878, reporting arrest of, and bringing to Tangier as prisoner, the military governor of a town by French Minister, when on a sporting expedition, which was done by advice of M. Hecquard.—J. H. D. H.

I should not venture to communicate to your Lordship the general impression which pervades the public mind regarding M. Hecquard, and which is even privately entertained by some of the French employés of the Legation, if I had not made it in this confidential form, as otherwise a charge of calumny might be brought against me, but I think it my duty to expose to your Lordship the character of this officer.

M. Hecquard is clever, and has great energy and decision. He has passed his life in the Levant, and is, therefore, a good Arabic scholar. He guides and, I may say, rules M. de Vernouillet in all his acts, the latter being weak and vacillating, though I have no reason to suppose him to be otherwise than an honourable man.

I have thought it necessary to enter into these particulars as I will not conceal from your Lordship that, not only with reference to the present question affecting the safety of the lives of 8,000 Jews who inhabit Fez, but also with regard to the maintenance of peaceful relations between Morocco and France, there are grounds for apprehending that M. Hecquard's audacious acts and language may, at any time, involve the French Government in serious differences with this weak Government.

Having been laid up on my couch for the last three weeks from an injury I had received, I was prevented calling on M. de Vernouillet, with whom I am on friendly terms, to communicate to him the information I had received, so I addressed him a private letter, of which I have the honour to inclose a copy, and I subsequently sent him extracts from the Rabbi's letter, without betraying the name of the writer.

M. de Vernouillet came to see me, as he has been in the habit of doing almost daily ever since my accident. He was very friendly, and thanked me for the communication. He said that he thought the extracts I had sent him were very vague, and brought no proof that the documents in the possession of the two Jews were false. He said all Jews in this country are "coquins," and that he did not see why credence should be given to one more than another. I replied that I could not concur with him in condemning all Jews as rogues, and that the statements made in the extracts I had sent him would be confirmed, if required, by some fifty or sixty of the chief Jews of Fez.

M. de Vernouillet informed me that Jacob Cohen had been sent a prisoner from Fez in fetters to the gaol at Tangier, in consequence of his having insulted the Viceroy or his Secretary when in the execution of their magisterial duties. M. de Vernouillet added also that, as he believed the man had been insolent, he had left him in prison for some weeks, but that he had lately liberated him, for, being the bearer of a French passport, he was entitled to be considered a French citizen.*

M. de Vernouillet said that he should not allow the two men in question to return to Fez, but that it was his duty to see that justice should be done regarding their claims, so that if any moneys were due to them they should be paid before they returned to Algiers.

M. de Vernouillet then observed, in friendly language, that he could not suppose it was really my intention to forward a copy of the document I had received from Fez to Her Majesty's Government, as the matter could not concern them, for I had given him to understand I did not protect any natives in Morocco, except those who were actually in the service of the British Government or of myself and of the officers under my jurisdiction, and therefore he concluded I did not afford protection to any Jews in Fez.

I replied that it was perfectly correct, that I did not afford irregular protection, but that in the present instance there was the humanitarian question of the safety of thousands of fellow creatures, whose lives, it was alleged, would be placed in jeopardy if the fraudulent proceedings of these protected native Jews were not put a stop to, and that, though I had every hope there was no immediate cause for alarm, yet I should be incurring a heavy responsibility if any catastrophe occurred from an outbreak of Mahomedan indignation and it became known that I had withheld from Her Majesty's Government the information I had received.

M. de Vernouillet then said that he should have also to write to his Government, and in the meantime he had taken steps to insure the ends of justice by having made an arrangement with Cid Mohammed Bargash to send two talebs, or Moorish lawyers, named by them to investigate the claims.

As M. de Vernouillet during our conversation frequently expressed his surprise at the interest I took in the welfare of the Jews at Fez, I took an opportunity to inform him that my predecessors as well as myself had been authorized by Her Majesty's Government to use our good offices in behalf of this oppressed race, when

* This man had been left in prison until M. Hecquard returned from the Court, when it was supposed he was liberated at the recommendation of the latter.—J. H. D. H.

cases of tyranny or cruelty were brought to our knowledge, and I said that, without encroaching on the sovereign rights and authority of the Sultan, I had on various occasions intervened in a friendly and officious manner to obtain redress for the Jews; that my good offices had always been accepted in the same spirit with which they had been proffered.

M. de Vernouillet retorted that he thought that the brutal treatment of the Jew Cohen, who had been sent to Tangier as a prisoner with fetters, would have been a good occasion for me to have made a representation to the Moorish Government.

I replied that M. de Vernouillet must admit that this was a very different case, for Jacob Cohen was a swindler, and a native of Morocco, who had insulted the Viceroy, the Sultan's own brother; that he had been treated like any other prisoner in Morocco, even a Basha, by being sent with fetters on his ankles; and that M. de Vernouillet appears to have admitted that the Moorish Government were justified in their proceedings by having directed that the man should be detained for some weeks in prison after his arrival.

I then observed that I would not conceal from him my surprise that French protection should be extended to natives of Morocco, who having obtained passports or letters of naturalization, too frequently, as reported, in an irregular manner, came to this country to fabricate claims and give trouble, involving the French Legation and Government in vexatious questions.

M. de Vernouillet said that the law of France required him to protect natives of Morocco holding French passports. I replied that he, of course, must act up to his instructions, but he would excuse me for observing that it appeared to me preposterous that the law of France was to supersede the law of Morocco regarding the Sultan's own subjects, to whom protection was afforded contrary to the spirit of Treaty stipulations.

I regret extremely to encroach on your Lordship's time by a relation of what may appear to be a trivial conversation, but the proceedings and language of M. Hecquard, of which I have received a confidential report during his late visit to the Moorish Court to convey the present of guns from the French Government to the Sultan, and his complete control over M. de Vernouillet in all his proceedings, coupled with his general conduct, lead me to apprehend that sooner or later he will bring about serious troubles.

Several of my colleagues, and Cid Mohammed Bargash, have spoken to me confidentially as entertaining the same apprehensions as myself.

I am perfectly aware that the information I have given regarding M. Hecquard is of such a vague character that Her Majesty's Government could not properly take any step with the French Government to check the mischievous conduct of that officer, but I have thought it my duty not to withhold from your Lordship the apprehensions which are entertained, as I fear I may have occasion to refer to this despatch on some future occasion.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

P.S.—I understand that the step I took in revealing to M. de Vernouillet my knowledge of the fraudulent nature of the claims of the two protected Jews will check to a certain extent the support which it is alleged would otherwise have been given to their unjust demands.

J. H. D. H.

Inclosure 1 in No. 4 A.

The Chief Rabbi of Fez to the Jewish Elders at Tangier.

(Translation.)

30 Tisri, 5639 (October 1880).

I HAVE a confidential communication to make regarding the moral situation of our community, which must appear very critical to any one who reflects on the consequences.

Unfortunately our community is threatened with a catastrophe through the greed of two fraudulent Jews, Joseph Bensahdon and Jacob Cohen, alias Benesih, who, availing themselves of French passports, have completely forgotten the existence of an eternal God, and are daily producing false documents for important sums of money against the Moors, our neighbours in the town and those of the country.

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The local authorities, aware of the influence of the French nation, unwillingly cause the falsely-accused debtors to be arrested and cast into prison; sometimes they have them and their families flogged through the streets, crying bitterly and bemoaning their sudden misfortune. Meanwhile, the principal and others of our Moorish neighbours are enraged at these arbitrary and barbarous proceedings, without however being able to make a formal complaint. Thus daily aggravating the enmity and just hatred of the Mahommedans against us, these rogues appear to be not yet satisfied and continue their frauds without hindrance.

As for myself, I have done all in my power to expose, on various occasions, their frauds and deceits, and to make them restore their ill-gotten gains, by persuasion, threats, and admonition; but in the generality of cases I am unable to interfere.

Although there is not sufficient evidence and proof to convict them, yet it is notorious that all that they possess, even to the very shirts upon their backs, has been improperly acquired.

The confession of a culprit is worth more than the evidence of a hundred witnesses; there is no need of evidence, for the accomplices who aid them in perpetrating these frauds are well-known.

To make the case clearer to those who have not witnessed it, suffices it to say that these men (the Jews), but a short time since, were in wretched circumstances, and also that all those accustomed to transact business with the Moors are thoroughly acquainted with these frauds and regret them.

Last week the Chief Governor sent a deputation to me, consisting of some thirty persons, delegates and other employés of the Government, with whom also were a large number of our co-religionists, who, after making their just representations and complaints, said to me, "Select some man from any of the three religions to do us justice against these two robbers. Shall it be permitted that whenever a Moor dies, documents of credit be produced against him and his goods sequestered? Has there ever been a case of denial of a just debt between us and the other Jews with whom we have business relations? Is it possible that this is the return we are to expect from the Jews to whom we have granted our protection?"

Our august Prince,* also, the brother of His Majesty the Sultan, sent me a message by one of his Secretaries, showing the extent of the daring of this Jacob Cohen (Beneshih), who, in the presence of his Excellency the Minister, insulted his Secretary, so that his Excellency does not now, as usual, perform his duties at his Court and attend to the people.

On this account I caused these two malefactors to be brought before me, and, after discussion, we agreed that they should sign a bond, declaring that any document that they may produce, which two persons carrying on business with Moors, should declare to be false, should be torn up and rendered useless, even though sufficient proof should be wanting, and this was done.

But of what avail has this been to us? For they then proceeded to Tangier, where, we hear, the Consul is about to cause payment of their claims to be effected through his Excellency Cid Mohammed Bargash, whilst we have witnesses here to prove that the greater part of their documents are false. When they obtain payment the same scenes will be renewed, and the hatred and enmity against us will be increased.

All who have influence with powerful France ought to expose these inhuman wrongs to her, and she, who is the defender of justice, will cause these malefactors to be punished. For our part, I solemnly declare that it has not entered into our thoughts (and may God forbid, and the Omnipotent not permit that it should do so) to aid in the least degree such unprincipled people in robbing and defrauding our neighbours, whoever they may be, and in bringing upon a whole community an avalanche of calamities, of which one cannot foresee the result.

All our community regret that this matter has not already been reported, so as to prevent the rendering infamous of the Jewish name and to put a stop to the continuance of such disgraceful practices. I have replied to them that I am much perplexed, fearing the evil consequences, that this might be the ruin of many honest persons holding legal documents that might be declared invalid. But now that we are unanimously of opinion to report this affair, I write this letter, particularly now that, the measure being full, and the affair notorious, and become, as it were, almost licit, we are incurring risk and danger to our persons.

Two of our Notables, M. Hilel Benshimol and M. Mimon Bensusan, are with you, and they will relate to you all the particulars.

* Mutai Ismail, the Viceroy at Fez.

It should be stated that the greater part of our business is with Moors, but on account of the poison which these two men have instilled, the Judge has decreed that no notary shall draw up any document for a Jew, and he clearly told them, in the presence of these two rogues, that they would suffer for the faults of these two; but these indefatigable defrauders manage to have documents drawn up with old dates.

Therefore, I beseech you, consider well, and assure yourselves of the evils that can result from the greed for money, and may the God of truth assist the truth.

(Signed) ABUER SERFATY,
Chief Rabbi of Fez.

The above lines contain much of significance and importance.

(Signed) RAFAEL ABENSUR.

Document signed by sixty of the Jews of Fez, including the two accused, Joseph Bensadon and Jacob Cohen, alias Beneshih.

We the Undersigned, having commercial relations with the Moors, unanimously and spontaneously declare and enter into an engagement that whatever document of debt produced by any of us against a Moor, and two of our number declare on their words of honour that the said Moor owes nothing whatever to the said Jew, although that declaration may not be supported by evident proof, but only to the best of their belief, appears to be well founded, and it shall appear to our Judge that such declaration is not made from ill-will or malice but to be true; such document, under these conditions, shall be immediately torn up, and rendered of no effect, in our presence and without any further judicial appeal.

In faith of which we sign this document with our own hand in Fez, in the month of Tisri, of the year 5639 of the creation of the world.

(Here follow the 60 signatures of the principal Jews at Fez.)

Inclosure 2 in No. 4 A.

Sir J. Drummond Hay to M. de Vernouillet.

My dear Colleague,

Tangier, January 28, 1879.

I AM still crippled from the wound in my leg, and am therefore prevented calling on you, as I should otherwise have done, to impart to you the following information, which I feel persuaded will be accepted by you in the same friendly spirit with which it is offered.

I have received an intimation from certain respectable Jewish Elders in Fez, that two of their brethren, natives of Morocco but holding French passports, named Joseph Bensadon and Jacob Cohen, have been in the habit of presenting at Tribunals in that city false documents, prepared through bribery by Moorish notaries, in support of fraudulent claims of a large amount upon Mahommedans, and it is alleged that these Jews have proceeded to Tangier to obtain the support of the French Legation on account of further claims which have been recently concocted.

My informants state that the fraudulent proceedings of these Jews have raised a strong feeling of animosity against their race by the Mahommedans, and that the Rabbi and Elders have received friendly warnings from persons in authority that they cannot be responsible for the consequences which might ensue, if further acts of cruel injustice are perpetrated upon Mahommedans by these protected Jews. I hardly need say that I am convinced no claim which may be put forward by a person under French protection will be supported by you unless satisfied of the justice of the cause of the claimant, but from my long residence in this country, and knowledge of the facility with which notarial documents of an apparent legal character, even signed by Kadis and yet containing false allegations, can be drawn up, I feel that I should not be acting as your friend and colleague if I withheld from you information which may not have reached you through other channels, and which I think you would blame me if I concealed.

As Her Majesty's Government have always taken a lively interest in the welfare of the oppressed Jewish population in this country, and desire that I should communicate to them information which may affect that interesting race, I could not

withhold from them the letter that has been addressed to me, and therefore I hasten to let you know the information I have received.

I have the less hesitation in making this friendly communication, as I know from the language you have held to me on more than one occasion, that you entirely disapprove of the extension of protection to Moorish subjects holding passports, who return to Morocco from Algiers, Portugal, and other countries to prosecute preposterous claims, through the influence of foreign Legations and Consulates.

(Signed) J. H. DRUMMOND HAY.

No. 4 B.

The Marquis of Salisbury to Lord Lyons.

(No. 229.)

My Lord,

Foreign Office, February 25, 1879.

I TRANSMIT to your Excellency, herewith, copies of a despatch and its inclosures from Her Majesty's Ministers at Tangier, expressing his apprehensions of the danger to which the Jewish population in Fez may be exposed by the practises of two French protected Jews, named Joseph Bensahdon and Jacob Cohen, who appear to be engaged in fraudulent attempts to enforce fictitious claims against Mahommedans.

I have to request your Excellency to bring the state of affairs, as reported by Sir J. D. Hay, unofficially to the knowledge of M. Waddington so far as you can properly do so, under the reserves mentioned by Sir J. D. Hay; but your Excellency will be careful to notice that certain portions of this communication are of a strictly confidential character, and that Sir J. Hay's observations concerning M. Hecquard's proceedings are intended for the information of Her Majesty's Government.

I am, &c.

(Signed) SALISBURY.

No. 5.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received March 18.)

(No. 23.)

My Lord,

Tangier, February 25, 1879.

I HAVE the honour to transmit the translation of a letter addressed by Cid Mohammed Bargash to the Foreign Representatives, requesting them to make known to him the result of the references they made last year to their respective Governments, on the subject of irregular protection afforded to Moorish subjects.

In the conclusion of the letter Cid Mohammed Bargash states that the dictatorial language held by some of the Consular officers to Moorish Governors in the administration of justice will no longer be tolerated.

I further inclose the translation of a letter of the same date from Cid Mohammed Bargash to the foreign Representatives, declaring that Moorish subjects who obtain passports or letters of naturalization from foreign Governments and return to this country will be regarded, for the future, as subjects of the Sultan, and will not be exempted from Moorish jurisdiction.

Cid Mohammed Bargash states that these naturalized Moorish subjects have frequently produced vexatious questions by their fraudulent and offensive proceedings.*

In my capacity of Doyen of the Diplomatic Corps I called a meeting of the foreign Representatives on the receipt of these letters.

I have the honour to transmit a copy of the *procès-verbal* of the meeting of the 21st instant.

Certain statements were made by the Italian Minister at the conclusion of the meeting, to which I had not an opportunity to reply. I desire, therefore, to make the following observations.

I never received any promise from this Government that the ports would be improved if irregular protection was abolished.†

Various projects have been from time to time submitted to this Government for the improvement of the Moorish ports, which are open roadsteads on the Atlantic. The enormous expenditure which would be required to carry any beneficial improvements into execution were found to be beyond the slender financial resources of the Moorish Government, and were therefore abandoned.

The Sultan had acceded, however, to the suggestions made through me by Mr. Hay, Her Majesty's Consul at Mogador, last year, for the improvement of the landing-place at that port, on condition that the vessels which enter the harbour should pay reasonable extra dues on account of the proposed improvements.

As the Moorish finances are in such a deplorable state from the famine, I have deferred taking any further step in this matter.

I do not remember any promise having been made to the foreign Representatives in 1863 regarding the cultivation of cotton‡. In October 1862 I urged this Government to encourage the cultivation of cotton.

* See Sir J. H. Drummond Hay's despatch No. 14 of February 3, 1879, regarding frauds committed by naturalized Moorish subjects under French protection.—J. H. D. H.

† The Italian Minister states that promises were made by the Moorish Government that the ports should be improved if irregular protection was abolished.—J. H. D. H.

‡ Reply to statement of Italian Minister about cultivation of cotton.—J. H. D. H.

The experiment was made both by Moorish and European farmers, and even by the late Sultan during two or three successive years, but from the want of irrigation the culture of this plant did not succeed, and it was abandoned, as has happened in other countries of the Mediterranean.

In April 1864 a remonstrance was addressed by me to this Government regarding the impediments which were complained of by the agents of British merchants in buying and selling merchandize in the markets of the interior.*

Orders were then given by the Sultan to prevent further interference on the part of the Moorish Governors with the mercantile transactions of these agents.

The chief object of my address to the foreign Representatives on the opening of the meeting of the 21st February was to expose the evils which have been produced by irregular protection and interference with the local authorities in the government of this country, in the hope that my language may thus be brought to the knowledge of some of the foreign Governments who are probably not enlightened by those Representatives who have, or whose subordinate officers have, a personal interest in the maintenance of these abuses.

I introduce here the language I have held lately to my colleagues on this subject in my reply to the demand of the Moorish Government:—

"Je saisis l'occasion de vous faire observer que quoique j'ai été Représentant de la Grande Bretagne pendant trente-quatre ans et Représentant des trois autres Puissances pendant vingt-sept ans, et quoique le commerce de la Grande Bretagne avec le Maroc est plus grand que celui de toutes les autres nations réunis, et quoique l'approvisionnement de la garnison de Gibraltar est principalement tiré de cette ville, je n'ai pas trouvé la nécessité d'étendre la protection à un seul sujet Marocain qui n'est pas employé comme officier ou domestique de la Légation ou Consulat à l'exception de la veuve d'un interprète qui avait servi pendant trente années la Grande Bretagne, et malgré ceci j'ai l'intention de rayer son nom de la liste des protégés sous la garantie donnée par ce Gouvernement; je ferai ceci pour que cela ne soit pas cité comme un précédent de la protection irrégulière; aux fils de cette veuve je n'avais jamais accordé la protection."

Whatever may be the views of foreign Agents at Tangier, their Governments cannot have the slightest real interest in continuing irregular protection, which is a constant source of vexatious questions regarding Moorish subjects who are not engaged in trade with the countries of the Representatives who protect them, unless it is desired to deprive the Sultan of his rights as an independent Sovereign, and to render all government in this country impossible.

I shall be careful to report to your Lordship the result of the deliberations of the foreign Representatives on the various questions at issue when they are brought to a conclusion.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 5.

Cid Mohammed Bargash to the Foreign Representatives in Morocco.

(Traduction.)

(Après les compliments d'usage.)

NOUS avons appelé votre attention, il y a environ deux ans, sur la question des passe-ports délivrés à des individus qui se font naturaliser dans des pays étrangers et y restent quelque temps, puis quand ils reviennent ils déclarent être les sujets pays des où ils ont résidé, et ils prétendent que ce Gouvernement n'a plus aucun droit sur eux.

Ils sont, de plus, insolents avec le peuple.

Ces actes irréguliers augmentent toujours et causent de graves préjudices.

Plusieurs des Représentants étrangers ont reconnu nos droits en cela, et d'autres nous ont dit qu'ils en référerait à leur Gouvernements, mais jusqu'à présent nous ne savons pas ce qui en est résulté.

* Reply about Commercial Agents.

Notre maître le Sultan nous a ordonné d'apporter tous nos soins à faire cesser un état de choses qui nous est si préjudiciable; Sa Majesté nous a appris que des Juifs Marocains ainsi que des Musulmans se rendent dans différents pays étrangers et en rapportent des documents qu'ils appellent des passe-ports de naturalisation, et ils refusent, à cause de cela, de se soumettre aux lois du pays; ils se conduisent d'une manière inconvenante et mettent en avant des réclamations injustes.

Comme nous l'avons dit plus haut ces abus augmentent et sont devenus un scandale public.

Cela fait grand tort au Gouvernement, ces gens ayant même osé insulter quelques Gouverneurs administrant la justice dans leurs Tribunaux et ne mettant pas de fin à leurs mauvais procédés. Ces gens vont et viennent avec des lettres de naturalisation et se montrent arrogants envers les fonctionnaires et surtout envers les pauvres.

Tout cela cause beaucoup de mal, et ne peut être toléré plus longtemps.

Le Sultan pense que les Représentants des Puissances amies reconnaîtront le dit préjudice, ne doutant pas que tous désirent la prospérité de son Empire, et qu'ils tâcheront de faire cesser toute cause de désagréments entre son Gouvernement et le leur, surtout quand il est dans son droit.

Sa Majesté nous a donné ordre de ne pas recevoir ceux qui sont porteurs de tels documents, tant Mahométans que Juifs, à moins qu'ils se soumettent aux lois du pays et soient reconnus comme sujets du Sultan et paient les impôts, sans que personne ne s'y oppose selon les lois et règles établies dans notre pays et auxquelles tout habitant indigène doit se soumettre.

Chaque Etat a ses lois, et tous les sujets doivent les respecter.

Nous vous communiquons ceci pour que vous soyez avertis.

Paix.

(Signé)

MOHAMMED BARGASH.

27 Safar, 1296 (18 Février, 1879).

Inclosure 2 in No. 5.

Cid Mohammed Bargash to the Foreign Representatives in Morocco.

(Traduction.)

(Après les compliments d'usage.)

COMME vous êtes tous rentrés à vos postes respectifs, après avoir été en congé, nous vous prions de vous réunir prochainement pour arriver à une entente définitive sur les questions que nous vous avons soumises, par ordre de l'Empereur, notre maître, au commencement de l'année dernière et de l'année précédente, touchant la protection donnée aux sujets de Sa Majesté et les taxes à percevoir des personnes employées dans des entreprises agricoles et qui sont sous la protection étrangère, et de celles possédant des bêtes de somme chargées de marchandises, comme nous vous l'avons écrit aux deux époques précitées, en vous priant de nous faire connaître les réponses de vos Gouvernements après leur en avoir référé suivant notre demande. Vous n'ignorez pas que ces affaires (de protection) causent de grands préjudices aux droits et à l'indépendance du Sultan et de son Gouvernement, et que nous attendons toujours les réponses de vos Gouvernements à ce sujet.

Le Sultan désire que la manière de procéder dans la protection soit d'accord à l'avenir avec les stipulations des Traités, et que chacun reste dans les limites de ses droits, c'est-à-dire, qu'on éliminera des listes de protection tous ceux qui ne sont pas employés par vous conformément aux Traités, et ceux qui ne sont pas au service des Gouvernements, ainsi que les fermiers et les autres personnes de cette catégorie, principalement les propriétaires et autres personnes riches, qui ne sont pas employés et n'ont pas besoin d'emploi par leur situation de fortune, et auxquels on donne la protection contrairement au droit et qui refusent de payer les impôts dus à notre maître. Le Sultan désire que les règlements et les Traités ne soient pas enfreints.

Quand on aura supprimé ce que nous avons indiqué dans les listes de protection, et que les éliminations seront faites, conformément à notre demande, le Gouvernement Marocain sera tout disposé à donner par écrit des garanties pour qu'aucune injustice ou acte arbitraire ne soit commis envers ceux qui étaient inscrits sur les listes de protection jusqu'à présent, et qui ont été éliminés selon notre demande en conformité avec les Traités; et si ces personnes commettent des actes contraires à la loi ou aux règles du pays, le Consul sous la protection duquel ils étaient placés avant sera averti

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pour qu'il puisse être présent quand l'affaire sera jugée par le Tribunal, afin de constater qu'on ne fait pas d'injustice.

Quant à ceux qui auraient un procès commencé avant qu'on leur ait enlevé la protection, leur affaire sera jugée par le Tribunal qui en était saisi.

Nous sommes persuadés que vos Gouvernements et vous-mêmes reconnaîtrez la justice de notre demande.

Nous profitons de cette occasion pour appeler votre attention sur les procédés des différents Consuls vis-à-vis des Tribunaux Marocains.

Quant ils envoient une plainte contre un sujet Marocain de la part d'un de leurs nationaux ou d'un protégé, il ne demandent pas que le Gouverneur examine l'affaire, en prenant des témoignages pour faire droit à leur réclamation, après avoir vérifié si elle est juste ou non, mais ils requièrent soit une amende, soit l'imprisonnement ou même des coups de bâton, et quand on arrête l'accusé ils demandent qu'il ne soit pas relâché sans leur consentement.

Cette manière de préjuger ou d'intervenir dans les affaires déferées aux Tribunaux est contraire, nous n'en doutons pas, aux intentions de vos Gouvernements et aux vôtres également.

Nous ne pouvons plus admettre ni accorder des demandes comme celles que nous venons de mentionner, en conséquence nous avons l'intention d'écrire aux Gouvernements de ne plus accueillir de telles démarches.

Dans le cas où un Gouverneur se refuserait à faire justice selon la manière de voir du Consul, il pourra en être référé par l'intermédiaire du Représentant de la nation au Ministre des Affaires Etrangères, suivant les Traités. Paix!

(Signé) MOHAMMED BARGASH.

27 Safar, 1296 (18 Février, 1879.)

Inclosure 3 in No. 5.

Procès-Verbal de la Séance tenue à la Légation Britannique le 21 Février, 1879, sous la Présidence de M. le Ministre de la Grande Bretagne.

LA séance est ouverte à 2:30 P.M.

Étaient présents :

- M. le Ministre d'Allemagne.
- M. le Ministre de Belgique, Représentant la Suède et la Norvège.
- M. le Ministre d'Espagne.
- M. le Consul-General des Etats Unis d'Amérique.
- M. le Ministre de France.
- M. le Ministre de la Grande Bretagne, Représentant l'Autriche-Hongrie, les Pays-Bas, et le Danemark.
- M. le Ministre d'Italie, et
- M. le Chargé d'Affaires du Portugal, Représentant le Brésil.

M. le Président donne lecture de deux lettres de son Excellence le Ministre des Affaires Etrangères du Sultan, sur protection et naturalisation, adressées à MM. les Représentants sous la date du 18 courant; il s'exprime ainsi:—

"Messieurs, en ouvrant la séance je vous demande la permission de vous présenter quelques observations, avant que nous ne prenions des décisions définitives, sur les questions que Cid Mohammed Bargash nous a soumises l'année dernière, et au sujet des deux lettres qu'il vient de nous adresser.

"Nous sommes malheureusement obligés de reconnaître que le système de Gouvernement qui existe au Maroc est mauvais et contraire au développement des ressources de ce riche pays.

"La principale cause de ce déplorable état de choses, c'est que ni les Ministres ni les Gouverneurs, ni aucun autre fonctionnaire, à l'exception du Ministre des Affaires Etrangères, du Kadi, et des Administrateurs de la Douane, ne touchent aucun traitement du Gouvernement.

"De là résultent l'injustice, la concussion, et la corruption générale.

"Il est évident que ni les Gouvernements étrangers ni leurs Représentants au Maroc ne peuvent désirer la continuation d'un pareil système, imposé à 7,000,000 ou 8,000,000 d'êtres qui peuplent cet Empire. Mais d'un autre côté, il importe de

considérer la position qu'occupe le Maroc vis-à-vis de l'Europe, bordant le Détroit et la Méditerranée, ce qui crée un intérêt commun que ce territoire soit habité par un peuple neutre comme le peuple Marocain, au point de vue religieux et politique.

Dans ces circonstances comme nos Gouvernements respectifs s'en rapportent entièrement aux informations que leurs Représentants leur transmettent sur l'état de ce pays, presque inconnu en Europe relativement aux mesures à recommander pour le maintien et l'amélioration de ce Gouvernement, comme pour le développement du commerce et le progrès général du pays, une responsabilité très-grave pèserait sur nous tous, si, dans un moment critique comme celui-ci, où les décisions adoptées par les Représentants peuvent constituer des lois internationales affectant la prospérité ou l'avenir de ce pays, nous ne cherchons pas à faire disparaître tout abus provenant de la protection aux indigènes, accordée sans l'autorisation de nos Gouvernements par nos prédécesseurs, lesquels ne prévoyaient pas alors les conséquences funestes de précédente qui ont amené l'extension de cette protection irrégulière.

Vous n'ignorez pas, Messieurs, que j'ai été attaché pendant plusieurs années à l'Ambassade Britannique à Constantinople; j'ai eu alors occasion d'observer que la protection octroyée par les officiers Diplomatiques et Consulaires de quelques Puissances aux indigènes, contribua à la décadence de la Turquie, cette protection fournissant un prétexte pour s'immiscer dans les affaires intérieures et rendant ainsi sans effet les Ordonnances ou les Décrets du Gouvernement.

C'était aussi un obstacle à la perception des taxes dues par les nombreux protégés, et cela permettait à des protégés coupables de crimes ou de fraudes d'échapper des mains de la justice.

Je fais, Messieurs, cette comparaison avec la Turquie parce que je vois les mêmes causes produisant les mêmes effets dans ce malheureux pays.

Il y a aujourd'hui trente-quatre ans que je représente la Grande Bretagne au Maroc, et je puis constater que ce Gouvernement n'a déjà plus la même vigueur ni la même vitalité, et que chaque année il perd de plus en plus le contrôle sur ses sujets, notamment près du littoral où résident les Agents étrangers.

Dans la province de Tanger, où la protection est la plus étendue, le changement est très-sensible, ce qui doit frapper ceux mêmes d'entre nous qui sont arrivés ici depuis quelques années.

Le Gouverneur de cette province ne possède qu'un pouvoir très-vague sur les tribus des Montagnes de Bene Arroz, Djébel Habib, Benider, Benimsouar, et Wadras, qui étaient autrefois plus soumises.

Il y a peut-être un très-petit nombre d'habitants de ces Montagnes qui ont été ou sont encore protégés, mais pendant plusieurs années avant le Gouverneur actuel de Tanger, la nomination ou le changement des Cheiks de ces tribus étaient dus aux intrigues des employés ou protégés des Missions étrangères.

Des prisonniers politiques ou criminels ont été relâchés par l'intervention des officiers indigènes des Missions, avec ou sans le consentement de leurs chefs.

Cette intervention en faveur de prisonniers a eu lieu également pour les habitants du territoire situé entre Tanger et les Montagnes qu'on appelle Fahs, et bien souvent on a relâché des voleurs et des hommes poursuivis pour des crimes.

De nombreux paysans dans le Fahs et la Gharbia sont protégés et exempts du contrôle du Gouvernement et du paiement des taxes parce qu'ils sont les associés ou les laboureurs des employés indigènes des Légations et Consulats ou simplement les associés et laboureurs des étrangers ou des indigènes protégés.

Les mesures prises l'année passée par MM. les Représentants ont fait cesser en partie les abus existant par suite de l'intervention irrégulière de leurs employés auprès des autorités locales, mais la protection irrégulière accordée à des indigènes non employés des Légations ou des Consulats continue, et si on n'apporte pas un remède radical à cet état de choses, nos successeurs pourront s'arroger le droit, en invoquant les précédents, de renouveler de semblables abus.

En faisant ces observations je dois déclarer que si M. les Représentants décident de mettre fin à la protection irrégulière, il sera de notre devoir à tout d'exiger des garanties effectives de ce Gouvernement pour que les indigènes qui étaient inscrits sur nos listes et qui ont joui de notre protection jusqu'à présent ne soient pas molestés par des actes arbitraires de la part de ce Gouvernement ou des autorités locales; et pour ma part, quoique je ne protège pas des indigènes qui ne sont pas *bond fide* et au service des Gouvernements que je représente ou au service des officiers Diplomatiques ou Consulaires, je serai toujours disposé d'agir de concert avec mes collègues pour obtenir justice et satisfaction dans le cas où on n'observerait pas strictement les conditions que nous aurions posées.

"J'en dis autant pour ce qui concernent les indigènes qui servent de censeurs ou qui sont les agents des négociants étrangers, dans le cas où tous les Représentants admettent qu'ils soient assujettis aux impôts et aux lois du pays dans les litiges qui n'affectent pas les intérêts de leurs commettants.

"Je suis toujours convaincu qu'en faisant des arrangements nouveaux et stricts au sujet de ces agents avec ce Gouvernement on pourrait faire disparaître les abus provenant de cette latitude de protection aux censeurs sans compromettre les vrais intérêts du commerce.

"Quant à la lettre de Cid Mohammed Bargash relativement aux sujets Marocains naturalisés en pays étranger qui reviennent ici et qui provoquent des désagréments sérieux par leur conduite irrégulière, je ne doute pas qu'elle ne soit prise en considération par MM. les Représentants et leurs Gouvernements respectifs.

"En conclusion, je dois observer qu'une fois que notre protection aux indigènes serait réduite aux limites prescrites par les stipulations en vigueur et en respectant l'indépendance du Souverain, nous aurions une influence plus efficace et un droit plus fort pour faire des démarches individuelles ou collectives quand nous recevons des informations authentiques à propos d'actes tyranniques et inhumains qui pourraient être commis par les autorités Marocaines.

"Une fois que le droit du Sultan de percevoir des taxes de toutes personnes se livrant à l'agriculture, serait établi, et qu'un Tarif serait formulé pour régler la perception de ces taxes, nous pourrions espérer qu'avec le temps le Sultan voyant les bons effets d'un système d'imposition conçu dans un esprit de justice et d'égalité, pourrait être amené à adopter des mesures analogues au lieu des taxes injustes et arbitraires perçues, et du système de favoritisme pratiqué aujourd'hui, et qui est la ruine des paysans et du Trésor Impérial.

"Cherchons donc ensemble les moyens d'écarter toute cause d'affaiblissement pour ce Gouvernement, et de lui donner la force nécessaire pour maintenir l'autorité du Sultan et sauvegarder en même temps les droits et intérêts légitimes de nos négociants et de nos nationaux établis dans ce pays.

"Je vous propose, Messieurs, qu'au lieu de discuter séparément les divers objets des lettres de Cid Mohammed Bargash, nous recommencions par ordre la discussion des différents points traités dans les premières communications du Ministre des Affaires Etrangères. Les demandes actuelles seraient ainsi discutées à mesure qu'elles se présentent."

M. le Ministre d'Allemagne, selon l'ordre alphabétique, à la parole. Il dit: "Je n'ai qu'à constater mon parfait accord avec les expositions de notre honorable Doyen, et à confirmer d'une expérience de trente ans, que j'ai passé en Orient, ce qu'il a dit sur les tristes conséquences de la protection abusive en Turquie. Là comme ici il y avait une époque où la protection des indigènes par les Consuls étrangers était démesurée. Je me rappelle que lorsque les Puissances avaient résolu de mettre un terme à ces abus, un de mes collègues a été dans le cas de rayer d'un seul trait 500 indigènes de la liste des protégés de son Consulat Général.

"En effet les bonnes conséquences de cette mesure ont été visibles; et si la Turquie n'a pas été sauvée, ce n'est point parce que la suppression de la protection illégitime n'aurait pas été utile: elle a été ruinée par son état financier.

"Ici, au Maroc, les abus sont plus grands qu'en Turquie; et nous ne pouvons point espérer que le pays soit ouvert à la civilisation et au commerce du monde aussi longtemps que les abus en question continuent à subsister.

"Et pourtant la position de ce pays est excellente pour la navigation et le commerce.

"Dès mon arrivée ici j'ai toujours observé les stipulations des autres Puissances avec ce pays, l'Allemagne n'ayant point encore conclu un Traité avec le Maroc. J'ai annuellement envoyé au Représentant du Sultan, en ville, les listes des protégés de la mission qui m'a été confiée et des officiers Consulaires Allemands sur la côte. J'ai respecté consciencieusement les décisions que nous avons prises dans nos réunions d'il y a deux ans.

"Je me permets enfin de répéter la proposition que j'ai faite à cette époque de rédiger un écrit bref et clair; un résumé qui exposerait d'une manière lucide les points pour lesquels il nous faut le consentement de nos Gouvernements.

"Mon but est essentiellement pratique: je voudrais que nous soumettions à nos supérieurs un résumé concis de notre travail, et leur épargner ainsi la peine de chercher les points importants dans le cahier volumineux des procès-verbaux dressés en 1877."

Cette proposition de M. le Ministre d'Allemagne, appuyée par M. le Président, est

acceptée par MM. les Représentants; et MM. les Ministres d'Espagne, de France, et de la Grande Bretagne ont été nommés pour composer la Commission chargée de rédiger le résumé en question après la clôture des séances.

M. le Ministre de Belgique dit que son Gouvernement partage entièrement l'avis du Gouvernement Britannique en matière de protection, et qu'il a ordre de tenir la main à la répression des abus qui pourraient s'être introduites dans les Consuls Belges au Maroc.

Il fait la même déclaration au nom de la Suède et de la Norvège qu'il a l'honneur de représenter au Maroc.

M. le Ministre d'Espagne déclare qu'il partage l'avis de M. le Ministre de la Grande Bretagne sur l'opportunité de l'existence du Gouvernement Marocain comme Gouvernement indépendant, et que par suite de cela il comprend la nécessité de se tenir, en matière de protection, scrupuleusement aux stipulations des Traités, d'après lesquelles il a déjà rédigé la liste de ses protégés, et l'a donnée au Ministre des Affaires Etrangères, Cid Mohammed Bargash.

Il dit qu'il n'est pas complètement de l'opinion de son honorable collègue de la Grande Bretagne sur la qualification faite par lui du Gouvernement Marocain; parce que ce Gouvernement, à son avis, a considéré sous le point de vue Musulman une existence propre qui lui donne le droit de vivre sous la loi internationale. "Mais," ajoute-t-il, "si le Gouvernement du Maroc continue à accepter ou à se soumettre, comme par le passé, à certaines ingérences étrangères, nous parviendrons, ainsi que l'a fait observer notre honorable Doyen, à le voir prendre ce qui lui reste de vigueur et de vitalité, et par conséquent à ne pas pouvoir le considérer comme un pays qui peut vivre indépendant."

Il dit que quoiqu'il ne compte pas tant d'années de résidence au Maroc que son collègue de la Grande Bretagne, il y a résidé assez longtemps pour avoir observé qu'avec ces ingérences et surtout avec les abus de protection, le Gouvernement Marocain, qui, ainsi qu'il vient de le dire, a, sous le point de vue Musulman, droit à être reconnu comme tel, et est digne par conséquent à ce qu'on observe envers lui les règles du droit international, devient par force inhumain, et se voit obligé, par un sentiment de propre conservation, à entraver les relations commerciales et autres avec les peuples civilisés. "J'ai vu," a-t-il dit, "dans des contrées où on a abusé davantage de la protection, les pays qui étaient jadis riches et fertiles, aujourd'hui complètement déserts; et cela parce que les autorités, pour éviter des réclamations presque toujours injustes, et des désagréments avec les étrangers et les protégés étrangers poursuivaient les Arabes qui avaient des relations avec eux. Je crois donc qu'en limitant aux prescriptions des Traités le droit de protection, le Gouvernement Marocain pourra vivre en relation avec les autres pays; et je suis persuadé que de cette manière les intérêts du commerce sérieux et les négociants étrangers de bonne foi ne feront que gagner.

"C'est pour cela, et comme je ne considère pas que les protégés qui ont joui jusqu'à présent d'une protection irrégulière aient acquis un droit à la protection, parce que tout ce qui n'est pas fondé sur les lois ou sur les Traités ne peut être considéré comme un fondement de droit, je n'ai pas eu d'inconvénient à rayer de mes listes les individus qui avaient eu une protection irrégulière.

"Les déclarations faites par Cid Mohammed Bargash dans la lettre qu'on vient de lire donne à la Conférence une garantie complète que ces ex-protégés ne seront pas victimes d'aucune poursuite injuste de la part des autorités Marocaines.

"Je dois déclarer cependant que je soutiens le droit absolu qu'a mon Gouvernement d'accorder la protection aux sujets Marocains, toujours dans le cas, très-rare, qu'un sujet Marocain ait rendu un service éclatant à l'Espagne, et qui pourrait lui nuire si on l'abandonnait. Ces cas sont tellement rares que depuis vingt ans et après une guerre avec le Maroc l'Espagne n'a qu'un seul de ces protégés."

M. le Consul-Général des Etats Unis d'Amérique dit que, persuadé comme il l'est de la nécessité de donner au Gouvernement Marocain les moyens d'existence et de vitalité dont il a besoin et auxquels il a droit, il est disposé à souscrire en ce sens toutes les mesures qui seront prises unanimement par tous les Représentants.

M. le Ministre de France dit que pour sa part il s'efforcera aussi de contribuer à faire vivre le Gouvernement Marocain comme doit vivre un Gouvernement indépendant, d'accord en cela avec ce que M. le Président a dit au commencement de la séance. Quant à la question des protections il se propose de la discuter avec l'esprit le plus conciliant, tout en maintenant les droits qui résultent des Traités.

M. le Ministre d'Italie dit que M. le Président croit qu'en cédant sur les protections ce Gouvernement deviendra meilleur, mais que lui il ne le croit pas. Il ajoute qu'en 1877 il a eu aussi cette illusion, mais que les faits la lui ont enlevée puisque

les promesses que Hadj Mohammed el Zebdy et le Ministre Bargash lui ont faites au nom de leur Gouvernement en 1877, qu'on ferait des améliorations aux différents points de la côte occidentale ouverts au commerce pour faciliter le débarquement et l'embarquement des marchandises, qu'on faciliterait le commerce et qu'on encouragerait l'agriculture, n'ont eu aucun résultat; et en 1863 le Gouvernement Marocain, pour obtenir la Convention qui modifiait les protections, avait aussi promis que la culture du coton serait encouragée dans l'Empire et que le commerce serait protégé efficacement mais aussitôt la dite Convention signée un ordre a été publié défendant aux censeurs des négociants d'aller acheter les marchandises et les céréales sur les marchés de l'intérieur, et de la culture du coton nous n'en connaissons pas même les vestiges. Contre le dit ordre qui ruinait le commerce, notre honorable Doyen a été un de ceux qui ont le plus énergiquement protesté.

Il se déclare prêt, cependant, à s'unir à ses collègues, et à contribuer, ainsi qu'il l'a déjà dit dans les séances précédentes, à l'existence de ce pays, en lui facilitant les ressources qu'il peut par le moyen des contributions qu'il a droit à imposer.

Il dit qu'il partage entièrement l'avis de M. le Ministre d'Espagne sur la convenance de donner la protection dans certains cas aux sujets Marocains, et que, comme son dit collègue, il réserve aussi à son Gouvernement le droit absolu de le faire.

Quant aux protégés Italiens inscrits sur ses listes, il dit qu'ils le sont depuis avant son arrivée ici, lui n'ayant jamais octroyé de protection; et qu'il ne croit pas devoir les rayer. "C'est là," dit-il, "mon opinion, car les lois mêmes n'ont jamais d'effets rétroactifs."

M. le Chargé d'Affaires de Portugal dit qu'il est aussi disposé à contribuer avec M. le Ministre de la Grande Bretagne et tous les collègues qui l'ont précédé, à éviter tout abus de protection, et a en restreindre ce droit aux stipulations, si toutefois cette décision serait prise par tous les Représentants unanimement.

Il ajoute que lorsque on traitera séparément les propositions du Ministre des Affaires Etrangères du Sultan, dont une est celle de la naturalisation, il se prononcera dans le sens des instructions qu'il a reçues.

Il se prononce dans ces mêmes termes au nom du Gouvernement du Brésil, qu'il a l'honneur de représenter au Maroc.

La prochaine séance aura lieu Mercredi prochain, 26 du courant, à 2-30 P.M.

La séance est levée à 5 heures P.M.

No. 6.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 16.)

(No. 13. Consular.)

My Lord,

Tangier, March 31, 1879.

I HAVE the honour to transmit to your Lordship herewith a translation in French of a Circular letter addressed by Cid Mohamed Bargash to the foreign Representatives at Tangier, acquainting them that His Majesty the Sultan has given orders to the Governors not to entertain any complaints or claims brought before them by foreign subjects without the knowledge of the Consul of the nation to which they belong.

Cid Mohamed Bargash further requests the foreign Representatives to direct the Consular Officers not to accept the complaints or claims of Moorish subjects unless presented to them by the local authorities.

I have addressed a Circular to the British Consular Officers in accordance with the request of Cid Mohamed Bargash.

The other Representatives have also agreed to send similar instructions to their respective Consular officers.

The arrangements now made by the Moorish Government will check the irregularities which have been hitherto practised by British and other foreign subjects, to which I referred in my despatch No. 71, Consular, of the 21st December last.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 6.

Letter addressed by Cid Mohamed Bargash to the Representatives of Foreign Powers.

(Traduction.)

(Après les compliments d'usage.)

VOUS ne devez pas ignorer qu'il arrive quelquefois que des sujets des nations étrangères ou des individus protégés se présentent devant les autorités des villes, à l'insu de leurs Consuls, avec des réclamations, et quelques-uns d'entre eux prennent un ton insolent ce qui, nous en sommes sûrs, n'a pas votre approbation.

En conséquence de ces procédés, notre maître le Sultan a donné ordre à ses Gouverneurs de ne pas recevoir des dites personnes des communications verbales ou écrites à moins que celles-ci ne leur parviennent par l'entremise de leurs Représentants ou de leurs Consuls.

Nous nous proposons d'expédier les lettres Chérifiennes aux Gouverneurs et vous prions d'écrire à vos officiers Consulaires à ce sujet pour leur faire part des ordres donnés par Sa Majesté, à savoir, qu'aucune demande ou réclamation ne sera accueillie par les autorités si elle n'est transmise par les Consuls ou les officiers Consulaires.

Nous vous prions de les prévenir également qu'ils ne doivent pas recevoir des plaintes des sujets de cet Empire qui ne lui seraient pas présentées par les autorités des villes, afin que les affaires soient traitées régulièrement suivant les règlements établis. Paix et amitié.

(Signé)

MOHAMED BARGASH.

27 Rabia le 1^{re}, 1296 (20 Mars, 1879.)

No. 7.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received August 8.)

(No. 51. Confidential.)

My Lord,

Tangier, July 28, 1879.

WITH reference to my despatch No. 50 of this date, I have the honour to inform your Lordship that, in addressing the Governments of Austria-Hungary, Denmark, and the Netherlands on the subject of irregular protection, and transmitting them the précis and *procès-verbal* of the meeting at the residence of the Moorish Minister, I have not introduced into my despatches to these Governments the paragraphs marked with red pencil on the above-mentioned despatch, No. 50 of this day's date.

I have, &c.

(Signed)

J. H. DRUMMOND HAY.

No. 8.

*The Marquis of Salisbury to Mr. Adams.**

(No. 1201.)

Sir,

Foreign Office, October 7, 1879.

I TRANSMIT to you herewith copy of a despatch, with its inclosures, from Her Majesty's Minister at Tangier, reporting the negotiations which have recently taken place between the Moorish Government and the foreign Representatives on the subject of the irregular protection afforded to Moorish subjects by Diplomatic and Consular Officers.†

It will be seen that, although the greater part of the demands put forward by the Moorish Government were unanimously agreed to, yet no settlement has been arrived at, several of the most important points having been met by objections on the part of the French, Italian, Portuguese, and Brazilian Representatives. Under these circumstances, Sir J. Drummond Hay is of opinion that a continuance of the discussion at Tangier is not likely to further an agreement upon the questions left undecided, and that unless the Governments concerned are disposed to send positive instructions to

* Also to Mr. Egerton, Sir J. Walsham, Sir J. Lumley, Sir C. Wyke, Mr. Stuart, Sir A. Paget, Mr. West, Mr. Erskine, Mr. Morier, Sir E. Thornton, and Mr. Ford.

† See Confidential Paper, No. 3972.

their Agents of a nature to satisfy the Moorish Government, the best prospect of a solution lies in the reference of the question to a Commission or meeting of Representatives at some foreign Court, in which the Moorish Government might be represented by a Delegate or Delegates deputed for the purpose.

In case this mode of procedure were resorted to, it seems to Her Majesty's Government that the best place for such a meeting would be Madrid, both on account of its comparative proximity to Morocco and in consideration of the interest which the Spanish Government and people take in the affairs of that country. In regard to this particular question, moreover, the Spanish Government has shown a disposition to take a liberal and conciliatory view, which promises to conduce to an equitable settlement.

I have accordingly to request that you will ascertain the views of the Government to which you are accredited with regard to this question, and whether, in the event of its proving necessary, they would view with favour the proposal to refer the further discussion of the points still at issue to a meeting of the Representatives of the Powers concerned at Madrid, to which the Moorish Government should be invited to send a Delegate.

By this means the discussion would be removed from the hands of those who have hitherto conducted it, and any difficulties which may have arisen from personal feelings or opinions will be removed.

A separate copy of the several documents inclosed in Sir J. Hay's despatch is inclosed herewith for your convenience in discussing the matter with the French Government.

I am, &c.
(Signed) SALISBURY.

No. 8*.

Mr. Adams to the Marquis of Salisbury.—(Received October 11.)

(No. 1022.)

My Lord,

Paris, October 10, 1879.

I PLACED in M. Waddington's hands this afternoon a memorandum founded on your Lordship's despatch No. 1201 of the 6th instant, suggesting that the further discussion of the question of the irregular protection afforded to Moorish subjects by Diplomatic and Consular Officers, should be referred to a meeting of the Representatives at Madrid, to which the Moorish Government should be invited to send a Delegate.

I also, at his Excellency's desire, left with him the separate printed copy of the inclosures in Sir J. Drummond Hay's despatch No. 50 of the 28th July, which accompanied your Lordship's despatch.

M. Waddington promised to have the subject examined.

I have, &c.
(Signed) F. O. ADAMS.

No. 9.

Mr. Stuart to the Marquis of Salisbury.—(Received October 16.)

(No. 129.)

My Lord,

The Hague, October 15, 1879.

WITH reference to your Lordship's despatch No. 44 of the 7th instant, upon the subject of the irregular protection afforded to Moorish subjects by foreign Representatives in Morocco, I have the honour to inclose herewith a copy of a note which I have addressed to Baron de Lynden de Sandenburg, requesting him to acquaint me with the views of the Netherlands Government with regard to that question, and whether they would view with favour the proposal to refer the further discussion of the points still at issue to a meeting of the Representatives of the Powers concerned at Madrid, to which the Moorish Government should be invited to send a Delegate.

I have, &c.
(Signed) W. STUART.

Inclosure in No. 9.

Mr. Stuart to Baron de Lynden.

The Hague, October 14, 1879.

M. le Baron,
WITH reference to your Excellency's note to me of the 26th August last, upon the subject of the irregular protection afforded to Moorish subjects by foreign Representatives in Morocco, I have the honour to inform your Excellency that Her Majesty's Government had, as you supposed, received a communication from Sir J. Drummond Hay, in the same sense as that which he had addressed to the Netherlands Government, reporting the negotiations which had recently taken place with the Moorish Government upon that subject, and suggesting that as a continuance of the discussion at Tangier was not likely to further an agreement upon the points left undecided, unless the Governments concerned were disposed to send positive instructions to their agents of a nature to satisfy the Moorish Government, the best prospect of a solution would lie in the reference of the question to a Commission or meeting of Representatives at some foreign Court, in which the Moorish Government might be represented by a Delegate or Delegates deputed for the purpose.

Before coming to any decision as to the expediency of such a meeting Her Majesty's Government are anxious to ascertain the views of the other Powers in the matter; and I have been instructed by the Marquis of Salisbury to state to your Excellency that it seems to Her Majesty's Government that, in case that mode of procedure is resorted to, the best place for the meeting would be Madrid, both on account of its comparative proximity to Morocco, and in consideration of the interests which the Spanish Government and people take in the affairs of that country. In regard to this particular question, moreover, the Spanish Government have shown a disposition to take a liberal and conciliatory view which promises to conduce to an equitable settlement.

I am accordingly instructed to request your Excellency to be so good as to acquaint me with the views of the Netherlands Government with regard to this question, and whether in the event of its proving necessary, they would view with favour the proposal to refer the further discussion of the points still at issue to a meeting of the Representatives of the Powers concerned, at Madrid, to which the Moorish Government should be invited to send a Delegate.

By this means the discussion would be removed from the hands of those who have hitherto conducted it, and any difficulties which may have arisen from personal feelings or opinions will be removed.

I avail, &c.
(Signed) W. STUART.

No. 10.

Mr. Egerton to the Marquis of Salisbury.—(Received October 20.)

(No. 645.)

My Lord,

Vienna, October 13, 1879.

I SPOKE to Baron Calice to-day in the sense of your Lordship's No. 629, inclosing a despatch from Sir H. Drummond Hay on the subject of foreign protection in Morocco.

He did not profess to know anything of the subject, and said perhaps I had better discuss it with Baron Schwegel; but as he asked for some explanations I began to give them, perhaps with a tediousness which induced him possibly to think I was going into the whole matter *ab ovo*. Interrupting me, he asked whether the German Minister had objected to the views of Sir H. Drummond Hay?

When I told him that the opposition to them did not come from that source, he said the Austrian Government will be willing to concur in the British Minister's views, the more so as he is their own Representative, and they will, when occasion demands, instruct their Representative at Madrid to take part in the meeting proposed to be held in that capital.

I merely mention these details of conversation to afford a slight proof of the understanding existing between the Austrian and German Governments.

I have, &c.
(Signed) EDWIN H. EGERTON.

Mr. Taylor to the Marquis of Salisbury.—(Received October 20.)

(No. 90.)

My Lord,

Copenhagen, October 15, 1879.

I HAVE this day addressed a note to Baron Rosenörn-Lehn, requesting his Excellency to favour me with the views of the Danish Government in regard to the proposed meeting of foreign Representatives at Madrid, for the purpose of discussing questions arising out of the irregular protection of Moorish subjects by foreign Diplomatic and Consular officers, as instructed by your Lordship's despatch No. 39 of the 7th instant.

I have, &c.
(Signed) BROOK P. BRIDGES TAYLOR.

No. 12.

Mr. West to the Marquis of Salisbury.—(Received October 25.)

(No. 189. Confidential.)

My Lord,

Madrid, October 16, 1879.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 111 of the 7th instant, inclosing copy of a despatch from Sir J. Drummond Hay, and printed documents on the subject of the irregular protection afforded to Moorish subjects by Diplomatic and Consular officers, and requesting, at the same time, to be informed as to the views of the Spanish Government with regard to the appointment of a Commission or meeting of Representatives at some foreign Court for the settlement of this question.

At an interview which I had with the Duke of Tetuan yesterday, I accordingly acquainted his Excellency with the substance of your Lordship's above-mentioned despatch, and requested him to give me his opinion thereupon.

His Excellency commenced by saying that I could assure your Lordship that he entirely shared the views which I had set forth on the part of Her Majesty's Government respecting the best means of arriving at a solution of the question of foreign protection in Morocco, and that he felt much gratified that your Lordship should have proposed Madrid as the place most fitting for the meeting of the Representatives to discuss the points at issue. He also most fully concurred in the proposal that none of the Representatives at Tangier should take part in the deliberations, and, without any remark on my part, said that he well knew that personal and interested motives had already had too much to do with the discussions which had taken place at Tangier.

His Excellency, who was evidently much flattered by your Lordship having submitted this mode of proceeding to the consideration of the Spanish Government in so courteous a manner, proceeded to say that he thought it would be most expedient if it became necessary to adopt it, that, as a preliminary to the meeting of the Representatives, a distinct understanding should be come to between the Spanish and British Governments, and perhaps the German Government, as to the interpretation of the Treaties bearing on the question of foreign protection, as in such case the settlement of the points at issue, as desired by those Governments, in the interests of the Sultan, would be assured, and, upon this interpretation, he did not think, from opinions already expressed, there would be found divergence of views. He then said that he conceived it to be the interest of Her Majesty's Government, as well as that of the Spanish Government, to aid the Sultan in maintaining his independence and in establishing his authority in his own dominions, both of which he felt convinced were seriously menaced by the insidious endeavours of the Representatives of France and Italy, for motives which had better not be mentioned, to force upon him (the Sultan) measures and establish precedents which would ultimately destroy, if not the former, at all events the latter. For this reason, he deprecated the undue influence which these two Powers sought to obtain in the internal affairs of Morocco, and of whose efforts in this direction he was led to believe Her Majesty's Government were fully aware. His Excellency, who was more diffusive on this subject than the actual matter under consideration seemed to require, then went on to explain that the zeal manifested on the part of the Italian Representative in favour of foreign protection, as understood by himself, was caused by his sympathy with the Jewish community, which would profit most by it, and over

which he had constituted himself especial protector, and was proceeding to enter into further details, when I reminded him of the real purport of my communication. He again begged me to assure your Lordship of his cordial approval of the proposal which I had submitted to him, and which he considered the best and perhaps only means of arriving at a satisfactory solution of existing difficulties.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 13.

Mr. Stuart to the Marquis of Salisbury.—(Received October 28.)

(No. 139.)

My Lord,

The Hague, October 27, 1879.

WITH reference to your Lordship's despatch No. 44 of the 7th instant, I have the honour to inclose herewith a copy of the answer which I have received from Baron de Lynden de Sandenburg to my note of the 14th instant, respecting the proposal to refer the further discussion of the points connected with the irregular protection of Moorish subjects by foreign representatives in Morocco, which are still at issue, to a meeting of the Representatives of the Powers concerned at Madrid, to which the Moorish Government should be invited to send a Delegate.

Baron de Lynden states that the Netherlands Government are disposed to admit both the expediency of the proposed Conference and the fitness of the place suggested for its meeting, and that, in the event of the proposal of a Conference being adopted either unanimously or by the majority of the Powers concerned, the Netherlands Government will willingly be represented at it.

His Excellency requests that he may be made acquainted in due course with the views of the other Powers upon the proposal in question; and I shall be obliged to your Lordship if you will have the kindness to enable me to meet his wishes in this respect.

I have, &c.
(Signed) W. STUART.

Inclosure in No. 13.

Baron de Lynden to Mr. Stuart.

M. le Ministre,

La Haye, le 25 Octobre, 1879.

PAR votre office du 14 Octobre dernier vous avez bien voulu m'entretenir de la proposition émanée du Consul-Général des Pays-Bas à Tanger, concernant une Commission composée des Délégués des diverses Puissances, qui serait chargé d'examiner les questions se rattachant à la protection irrégulière de sujets indigènes par les fonctionnaires Diplomatiques et Consulaires au Maroc, et vous avez bien voulu m'informer en même temps que le Gouvernement Britannique désirait prendre l'avis des autres Gouvernements intéressés, tant au sujet de la création d'une semblable Commission, auprès de laquelle le Gouvernement Marocain serait invité à se faire représenter, que du choix de la ville de Madrid comme lieu de réunion de la Conférence.

En vous remerciant de cette communication, je me permets de vous informer, M. le Ministre, que le Gouvernement du Roi est tout disposé à admettre l'opportunité de la Conférence elle-même, ainsi que du choix du lieu qui serait désigné comme siège éventuel de ces réunions; et qu'au cas que la proposition d'une Conférence serait adoptée soit par l'unanimité soit par la majorité des Puissances intéressées, le Gouvernement du Roi s'y fera volontiers représenter.

J'ose vous prier, M. le Ministre, de vouloir bien me tenir au courant de ce qui pourrait venir ultérieurement à votre connaissance concernant les vues des autres Puissances intéressées par rapport à l'affaire dont il s'agit, et en attendant je saisis, &c.

(Signé) DE LYNDEN DE SANDENBURG.

Mr. Erskine to the Marquis of Salisbury.—(Received October 31.)

(No. 69.)

My Lord,

Stockholm, October 27, 1879.

WITH reference to your Lordship's despatch No. 26 of the 7th instant, I have the honour to inclose copy of a note I have just received from General Björnstjerna, in which his Excellency informs me that the Swedish Government are entirely agreed with Her Majesty's Government as to the irregular protection afforded to Moorish subjects by foreign Representatives, and that, as soon as Her Majesty's Government think fit to announce the time fixed for the meeting of the Representatives of foreign Powers at Madrid, they will instruct the Swedish Minister Resident in that capital to attend on the part of the United Kingdoms.

I have, &c.
(Signed) E. M. ERSKINE.

Inclosure in No. 14.

General Björnstjerna to Mr. Erskine.

M. le Ministre,

Stockholm, le 24 Octobre, 1879.

ME référant à votre office en date du 15 courant, j'ai l'honneur de vous informer que le Gouvernement du Roi, qui partage entièrement la manière de voir du Gouvernement de Sa Majesté Britannique par rapport à la protection irrégulière accordée aux indigènes par les Agents Diplomatiques et Consulaires au Maroc, et qui à plusieurs reprises a donné des instructions dans ce sens à son Représentant à Tanger, verra avec plaisir que la discussion sur toutes les questions pendantes avec le Maroc et relatives à cette affaire soit renvoyée à une réunion à Madrid des Représentants des Etats intéressés, et à laquelle le Gouvernement Marocain serait également invité à se faire représenter.

Le Gouvernement du Roi ne manquera pas de faire parvenir les instructions nécessaires à son Ministre Résident à Madrid, qui sera chargé de représenter les Royaumes-Unis dans la réunion projetée, dès que le Gouvernement de Sa Majesté Britannique aura bien voulu lui annoncer l'époque fixée pour cette réunion.

En vous priant de vouloir bien porter ce qui précède à la connaissance de votre Gouvernement, je saisis, &c.

(Signé) O. N. BJÖRNSTJERNA.

Sir A. Paget to the Marquis of Salisbury.—(Received November 1.)

(No. 415.)

My Lord,

Rome, October 21, 1879.

WITH reference to your Lordship's despatch No. 488 of the 6th instant, instructing me to ascertain the views of the Italian Government with regard to the proposed meeting of the foreign Representatives at Madrid, to discuss the question of the irregular protection of Moorish subjects, I have the honour to inclose a copy of a note which I have addressed to M. Cairoli on the matter in question.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 15.

Sir A. Paget to Signor Cairoli.

M. le Ministre,

Rome, October 21, 1879.

YOUR Excellency's attention will probably have been called to the negotiations which have recently taken place between the Moorish Government and the foreign Representatives at Tangier on the subject of the irregular protection afforded to

Moorish subjects by Diplomatic and Consular officers; and your Excellency is also, no doubt, aware that the greater part of the demands put forward by the Moorish Government were unanimously agreed to, yet no settlement has been arrived at, several of the most important points having been met by objections on the part of the French, Italian, Portuguese, and Brazilian Representatives.

Under these circumstances, Sir J. Drummond Hay, Her Majesty's Minister in Morocco, is of opinion that a continuance of the discussion at Tangiers is not likely to further an agreement upon the questions left undecided, and that unless the Governments concerned are disposed to send positive instructions to their Agents of a nature to satisfy the Moorish Government, the prospect of a solution lies in the reference of the question to a Commission or meeting of Representatives at some foreign Court, in which the Moorish Government might be represented by a Delegate or Delegates deputed for the purpose.

In case this mode of procedure were resorted to, it seems to Her Majesty's Government that the best place for such a meeting would be Madrid, both on account of its comparative proximity to Morocco, and in consideration of the interest which the Spanish Government and people take in the affairs of the country. In regard to this particular question, moreover, the Spanish Government has shown a disposition to take a liberal and conciliatory view which promises to conduce to an equitable settlement.

I have accordingly been instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to ascertain the views of His Italian Majesty's Government with regard to this question, and whether, in the event of its proving necessary, they would view with favour the proposal to refer the further discussion of the points still at issue to a meeting of the Representatives of the Powers concerned at Madrid, to which the Moorish Government should be invited to send a Delegate.

By this means the discussion could be removed from the hands of those who have hitherto conducted it, and any difficulties which may have arisen from personal feelings or opinions will be removed.

In case it may not already have reached your Excellency, I have the honour to inclose a copy of the *procès-verbaux* of the meetings held by the Representatives of foreign Powers during the year 1879 on the subject referred to, and I shall be grateful to your Excellency if you will be good enough to acquaint me, for the information of Her Majesty's Government, with the decision which the Italian Government may come to upon the proposal now submitted to them for the settlement of this question.

I avail, &c.
(Signed) A. PAGET.

Sir C. Wyke to the Marquis of Salisbury.—(Received November 8.)

(No. 99.)

My Lord,

Copenhagen, November 5, 1879.

I HAVE the honour to transmit herewith copy of a despatch just received from Baron Rosenörn-Lehn, being a reply to a note addressed by Mr. Brook Taylor to his Excellency on the 15th ultimo, proposing to this Government, on the part of that of Her Majesty, that the further discussion of the more important demands put forward by the Moorish Government on the subject of the irregular protection afforded to their subjects by foreign Diplomatic and Consular officers should be referred to a meeting of the Representatives of the Powers concerned at Madrid, to which the Government of Morocco should be invited to send a Delegate.

By this reply you will perceive that the Danish Government have no objection to the proposal put forward by your Lordship, and submitted to them in Mr. Brook Taylor's note of the above-named date.

I have, &c.
(Signed) CHARLES LENNOX WYKE.

Inclosure in No. 16.

Baron Rosenörn-Lehn to Sir C. Wyke.

M. le Chevalier,
 MR. BROOK TAYLOR m'a fait l'honneur de m'écrire le 15 du mois dernier pour me faire part d'un projet du Gouvernement de Sa Majesté Britannique de soumettre à une Commission Internationale réunie à Madrid le règlement des questions qui se rattachent à la protection exercée au Maroc par les Représentants des Puissances étrangères sur les sujets du Sultan. Sir J. Drummond Hay, qui est chargé du Consulat-Général de Danemark à Tanger, m'avait déjà communiqué les considérations qui paraissent selon lui en faveur d'une telle mesure, et je m'empresse de vous informer que le Gouvernement du Roi n'a aucune objection à faire contre la proposition mise en avant par M. le Marquis de Salisbury.

Agréer, &c.
 (Signé) ROSENÖRN-LEHN.

No. 17.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received November 10.)

(No. 76.)

My Lord,

Tangier, October 28, 1879.

WITH reference to my despatch No. 50 of the 28th July, on the subject of irregular protection afforded by Diplomatic and Consular Officers in Morocco to the Mahomedan and Jewish subjects of the Sultan, I have the honour to inform your Lordship that, when I was in London in the beginning of last month, the Reverend A. Löwy, the Secretary of the Anglo-Jewish Association, informed me that a deputation of the Association desired to have an interview with me, for the purpose of making a representation regarding the prejudicial results which might follow the abolition of protection to Jews in Morocco by the foreign Representatives, as they understood that I had taken, and continued to take, a very active part in urging that the protection afforded by the foreign Representatives to the Jews should be withdrawn. I fixed a day for receiving the deputation from the Jewish Association during my brief visit to town, but as your Lordship will learn from the inclosed copy of a letter I received from Mr. Löwy, they were prevented from attending on the day I had arranged.

As I think it is not improbable your Lordship may receive a communication from the Jewish Association on this subject, and as I have good reason for supposing from the language held to me by Mr. Löwy, that the members of the Association entertain very erroneous ideas on this subject, which I conclude are produced by the misrepresentations that may have been made to them or to the "Alliance Israélite Universelle" at Paris (with which Society they are connected), by certain influential Jews who are irregularly protected in Morocco by the French, Italian, Portuguese, or United States' Representatives, I think it is desirable to place your Lordship in possession of a memorandum of the conversation I had with Mr. Löwy on this subject when he called on me in London. As it is not improbable the above-mentioned Governments may be also imbued with erroneous views on this subject from the reports of their Representatives who are interested in the continuance of irregular protection, your Lordship may think it desirable to place Her Majesty's Ministers at those Courts in possession also of this memorandum of my conversation with Mr. Löwy.

I have, &c.
 (Signed) J. H. DRUMMOND HAY.

P.S.—As I understand that representations have been made to the Spanish Government by influential Jews on the subject of foreign protection to their co-religionists in Morocco, and as similar representations may have been made to other foreign Governments, proceeding from the reports of interested parties in this country, I have to suggest that my memorandum be communicated generally to Her Majesty's Ministers accredited to Governments who send Representatives to Morocco.

J. H. D. H.

Inclosure 1 in No. 17.

The Rev. A. Löwy to Sir J. H. Drummond Hay.

Anglo-Jewish Association in connection with the Alliance Israélite
 Universelle, 160, Portdown Road, W., London,
 October 3, 1879

Dear Sir,

I AM sure the Committee of this Association will duly appreciate your extreme urbanity and kindness in giving us an opportunity of stating to you, in a more complete form, the wishes which were the subject of the sketch I gave you *videlicet*.

The President of the Association, who is slightly indisposed, is not yet back to London. This creates a difficulty in our programme, and as I am unable, through the Jewish holidays, to convene a special meeting, we lose the chance of having the honour to send a deputation at the time you have been pleased to name.

Greatly as it will be regretted by those who have the welfare of their Jewish brethren at heart that they cannot state to you their *pia desideria*, they all feel convinced that you will, as heretofore, give your kindest consideration to the representations they may have to make concerning the Jews in the Moorish dominions.

With many thanks for your kind note, I am, &c.

—(Signed) A. LOWY.

Inclosure 2 in No. 17.

Memorandum of the Language held to Sir J. H. Drummond Hay by the Rev. A. Löwy,
 Secretary of Anglo-Jewish Association, and of Sir J. H. Drummond Hay's Replies.

M. LOWY informed me that a deputation from the Anglo-Jewish Association desired to make a representation to me regarding the serious results which might be brought about in Morocco by the withdrawal from the Jewish population of the protection hitherto afforded to them by the foreign Representatives, as their brethren in such case would be exposed more than ever to the unjust and tyrannical action of the Moorish Government and their authorities.

M. Löwy said he was aware that I had frequently used my good offices with the Moorish Government in behalf of their brethren who were oppressed, but that the Association had been informed I was taking a very active part in urging the withdrawal by foreign Governments of protection to the Jews in Morocco.

I replied that the Association appeared to have been misinformed, and also to entertain very erroneous impressions regarding protection having been hitherto afforded to their brethren in Morocco by the foreign Representatives.

I said that he was quite correct in stating that I have done all in my power to bring about the abolition of irregular protection afforded by the foreign Representatives to the Mahomedan and Jewish subjects of the Sultan, but that this measure, if carried into execution, would only affect about 1,500 wealthy Jews, including their families, and in no way affected the 200,000 who formed the Hebrew population of Morocco, and who had never enjoyed the advantages of foreign protection; moreover, that the Moorish Government had volunteered to agree, on the withdrawal of foreign protection to those Mahomedans and Jews who had been irregularly protected in past years, that when these persons might happen to be prosecuted at Moorish Tribunals in criminal or civil cases, that notice should be given to the Consul of the nation which had formerly protected them, in order that he might be present, and watch that no unjust decision was arrived at, which might appear to be of a vindictive character in consequence of the party accused having enjoyed in past years foreign protection.

I observed that the protection afforded by foreign Representatives to Moorish subjects, who were not *bond fide* in the service of foreign Governments or of Diplomatic or Consular officers, was contrary to Treaty stipulations; that protected natives were subject solely to the jurisdiction of foreign Consular officers; that they were exempted from all service to the State, and paid no taxes to the Sultan; and that they received the support of those Representatives who protected them in the claims they might happen to bring forward against this Government or Moorish subjects; that the Moors and the Jews who had irregularly obtained protection were generally selected from the wealthier portion of the population, and in many cases had obtained that protection through bribery and corruption; that I was not surprised to learn that the

Associations of Jews in European capitals received reports from their protected brethren in Morocco, who are in general respectable, wealthy, and educated persons, leading them to believe that a great calamity would befall the Jews in general if the protection afforded to them was withdrawn.

This, I said, is very natural on their part, for they are exempted from all contributions and taxes due to the Moorish Government, and they obtained the support of their protectors in cases of claims which the Moorish Government is compelled by menace or dictatorial language to pay without an impartial inquiry; but these advantages, as I have said before, do not benefit the 200,000 Jews who are not protected, but, on the contrary, give rise to strong feelings of hatred on the part of those Mahommedans who may have suffered from the arbitrary decision given against them through the influence of a foreign Representative, and that crying cases of injustice had occurred which had aroused strong feelings of animosity on the part of Mahommedans.

I informed M. Löwy that the Treaties of Great Britain and Spain with Morocco alone stipulated that Moorish subjects in the employment of foreign Diplomatic and Consular officers are entitled to be exempted from the jurisdiction of the Moorish authorities; that the old French and other Treaties stipulated not only that Moorish subjects employed by foreign officers, but also foreigners themselves, were to be subject to the jurisdiction of Moorish Tribunals, though the Consul was to be present at the trials.

That the abuse of irregular protection had increased greatly during the last twenty years, as the other foreign Representatives had claimed, on account of clauses in their respective Treaties which entitled them to be regarded as Agents of the most-favoured nations, the privileges in the British and Spanish Treaties, and on this plea had inserted in their lists Moors and Jews who were not *bond fide* in their service; that these abuses were increasing, and had become so intolerable of late years that the Sultan and his Government had raised the present question, and had demanded that protection should be restricted to the concessions made in Treaties with Morocco.

I informed M. Löwy that ever since my appointment in Morocco, in 1845, I had never turned a deaf ear to any reasonable representation which had been made to me from time to time by the Jewish Elders at Tangier or other towns in behalf of their brethren, who were declared to be oppressed or ill-treated by the Moorish Governors or other authorities in the interior, and that I had frequently used my good offices with the view of checking or mitigating acts of injustice, and also of obtaining reparation.

That the late and present Sultan and their Ministers had never refused to admit my officious interference in such cases, though they had frequently informed me that they felt less hesitation in doing so, as they knew I adhered strictly to Treaty stipulations, and did not afford protection to any Moorish subjects who were not entitled to it. I said that I had rarely troubled Her Majesty's Government with reports of the success of my mediation, except in cases where I had been instructed by them to use my good offices; but there were many proofs in the Archives of the Legation of the active part I had taken when I considered that an act of cruelty or tyranny justified my interference.

That I had no knowledge in past years of similar good offices having been obtained by Moorish Jews from my colleagues; in fact, the Jewish Elders of Tangier, through whom the applications of their brethren in the interior, for my interference, were generally made, have frequently replied, when I suggested that they should appeal also to other Representatives, that it was no use, as they did nothing, or did not succeed in obtaining reparation from the Moorish Government. This statement, I said, would, I think, be borne out by facts.

I observed that a few weeks before I left Tangier I had obtained from this Government 2,000 dollars as compensation for a Jewish family whose father had been robbed and murdered by an Arab tribe of Duquella. I had reported officiously the case to the Sultan, and had implored justice for the unfortunate family. His Majesty ordered his Vizir to reply, that as he had confidence in my judgment and goodwill, His Majesty left the matter entirely in my hands.

I fixed the amount of compensation with the Jewish Elders, and the money was paid at once by the Sultan, through me, to the heirs of the murdered man. I said I mentioned this as being a recent case; and, I added, if I had afforded irregular protection to Jews, my representations would probably have been met with the usual excuses and protracted correspondence which Mahommedan Governments resort to when cases of tyranny on the part of their officers are brought under their notice.

I stated to M. Löwy that I had been informed that the Italian Minister, M. Scovasso, had, during the last two years, put himself forward as the champion of oppressed Jews, but I had never heard of any case in which he had interfered which had led to a result that conferred any benefit on the plaintiffs; in fact, he had frequently told me himself that he could not obtain any satisfactory replies to his representations at the Court, which is not, I said, a matter of surprise, considering that he protects irregularly a number of the wealthiest Jewish subjects of the Sultan; moreover, he has lately occasioned considerable surprise and displeasure at the Moorish Court in consequence of his having formally announced to the Jews at Mogador, and other ports which he visited in an Italian vessel of war in the month of August, that he was ready to extend the Italian *ægis* to all Jews who might appeal to him for redress against the arbitrary acts of the Sultan's authorities.

I observed to M. Löwy that, if the Association desired the welfare of their brethren in general, and not merely the continuance of an abusive system of protection to some 1,500 persons, who were enjoying protection contrary to right and law, they ought to raise their voice against these abuses, and that, when all the foreign Representatives respected the rights of the Sultan, as an independent Sovereign, to govern his own subjects, they would find themselves in the same advantageous position I held *vis-à-vis* the Sultan and his Government, that we (the foreign Representatives) should then be all enabled to act in concert, and come forward as the Representatives of civilization and humanity, to use our good offices with this Government on behalf of oppressed Jews, or even to declare, in case our representations were disregarded, that outrages or cruel acts of tyranny towards that oppressed race would not be tolerated by the civilized Governments of the world.

The Moorish Government would then have no grounds, no excuse for pointing to the irregular protection afforded to Jews by the foreign Representatives, or of refusing to listen to their friendly representations.

M. Löwy having alluded to certain disabilities and humiliations which the Jews of Morocco have to submit to, such as that of having to take off their shoes in the Mahommedan quarter, I observed that the Jews of Morocco had been an oppressed race during many centuries, and were treated as their brethren had been treated in ancient times in England and other parts of Europe; that a great change had been brought about by the extension of commerce and the presence of foreign Consuls at the outposts and residence generally of Europeans in Morocco, and also by the occasional visits of the Christian Ministers to the Moorish Court.

That I remembered the time when Jews, even the native interpreters of the Representatives, had to take off their shoes on passing a mosque at Tangier; that I had been the first to put a stop to this some thirty-three years ago, and that now Jews rode where they pleased, even before the mosques, and were generally in a better position than the Mahommedan population, for I never heard of a case during the last twenty years where a Jew had been imprisoned or punished by a local authority at Tangier, except at the demand of a foreign Consul. They paid no taxes, and were not subject to forced labour by the Government.

That the position of the Jews at the Moorish ports had greatly changed for the better, and it was very rare that any case of injustice or cruelty towards them had been brought of late years under my notice; but I admitted that similar important changes had not taken place as regards the Jewish population at the cities of Fez, Mequinez, and Morocco; that it was my opinion that we should look rather to the gradual improvement of the country through commerce to rectify this evil than to seek for reforms through the representations of foreign Governments or their Agents, unless a favourable opportunity presented itself when a foreign Representative visits the Court to point out to the Sultan that he would gain the goodwill of the British and other foreign Governments by proofs that His Majesty took an active interest in the welfare of his Jewish subjects by checking the arbitrary acts and injustice of his officers.

I observed that the Sultan Mulai Hassan was a humane and just man, but he would not have much power of control over his fanatical subjects if he attempted to introduce measures which would place his Jewish subjects on the same footing as the Mahommedans, that it would be most unadvisable and even dangerous for the Representatives of the powerful Governments of Europe to resort to pressure or peremptory demands in such matters, for the Sultan might finally be induced to give way, apprehending the consequences of turning a deaf ear to the demands of foreign Governments, and Royal edicts might be issued for the removal of certain disabilities or laws which affect prejudicially his Jewish subjects, and a fanatical spirit might be roused

amongst the Mahomedans which at any moment might produce an outbreak involving the safety of the lives and property of thousands of innocent men, women, and children, and the Sultan would find himself powerless to prevent the outrages which might be committed.

I said that I should, therefore, deprecate the policy of too active an interference in such matters, and rather trust, as I have said, to the gradual march of civilization, brought about by commerce and the presence of Europeans in this country.

No. 18.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received November 10.)

(No. 78.)

My Lord,

Tangier, October 31, 1879.

WITH reference to my despatch No. 76 of the 28th instant respecting protection afforded by the foreign Representatives to Jews who are subjects of the Sultan, I have the honour to inclose a paragraph, inserted in the "Gibraltar Chronicle" of the 29th instant, regarding a Jew named Isaac Amar, from whom protection had been withdrawn by the Spanish Minister, and who had been subsequently arrested by the Moorish authorities on the charge of having caused the death of a Moor at Dar-el-baida through injuries received from Amar.

This Jew has been sent a prisoner to Dar-el-baida, to be tried there according to the law of this country.

Mr. White had made known to me, on my arrival at Tangier on the 24th instant, this occurrence, and informed me that he had spoken to the Moorish Minister in an officious manner, urging that the trial should be conducted with impartiality, and that no severe punishment should be inflicted on the Jew, who, though he might have brought about the death of the Moor from a blow, yet, as it appeared to have been inflicted without the intention of causing any serious injury, it was a case that should be treated leniently.

In a visit I paid to M. Diosdado, he voluntarily introduced this subject, and informed me that Spanish protection had been irregularly afforded to Amar some twenty years ago, and that it had been withdrawn some years afterwards by order of the Legation; that the Spanish Vice-Consul at Dar-el-baida had subsequently placed the Jew again under his protection, but that when this case was brought under M. Diosdado's notice, he had informed Cid Mohammed Bargash that, in accordance with the formal declarations he had made in the name of his Government at the late conferences at Tangier regarding irregular protection, that Spanish protection would not be continued to Amar; but, at the same time, he had required an assurance from the Moorish Minister that Amar should have an impartial trial, and that the Spanish Vice-Consul should be present to watch proceedings.

He said that Cid Mohammed Bargash had assured him, confidentially, that no extreme penalty would be inflicted on the Jew, though some pecuniary compensation might have to be granted to the family of the deceased, in justice to the latter, and with the object of tranquillizing the agitation caused by this affair amongst the Mahomedan population.

Cid Mohammed Bargash, to whom I spoke on this subject, confirmed the information given me by M. Diosdado. I replied that I was pleased to learn that M. Diosdado had afforded a fresh proof in this case of his strict adherence to the engagements that had been entered into to check irregular protection, and, on the other hand, that he, Cid Mohammed Bargash, had given assurances to M. Diosdado that the Jew would have a fair trial, and that no measures of severity would be taken against him.

I informed Cid Mohammed Bargash that reports of this incident would probably be published in the European journals, and that no doubt an exaggerated importance would be given to the affair by those who desired to uphold the irregular protection that is at present afforded to Moorish subjects.

I mentioned that I had, during my late visit to England, some correspondence with the London Jewish Association upon this subject, and that from the language that had been held to me it was evidently apprehended by many influential Jews in England and other countries that the Moorish Government would resort to cruel acts of injustice towards those Jews who had enjoyed protection if it was withdrawn.

I observed that this was a favourable opportunity for the Sultan and his Govern-

ment to prove to the civilized Governments in Europe and America, by treating the Jew Amar with leniency, that they were animated by feelings of justice and humanity, for were they to act otherwise they might imperil the solution of the question of protection being decided in accordance with their wishes, as I would not conceal from him that even the British Government, and I as their Representative, might be led in such case to alter entirely the views we entertained at present on this subject.

Cid Mohammed Bargash repeated to me the assurances he had given to M. Diosdado, that no measure of severity would be adopted, though he said some pecuniary compensation for the family would be required. He said he felt the force of my arguments, that it would be most injudicious and impolitic to act harshly in this case, more especially since M. Diosdado and the Government at Madrid had sought to strengthen their hands on the subject of protection, and indeed on all other questions, and he would wish to show that they were not unworthy of the confidence which had been placed in them.

Cid Mohammed Bargash said he thought it would strengthen his hands in the further representation he might have to make to the Sultan upon this subject if I would address him a letter of a private and officious character, embodying the language I had held to him during our interview, and that he would let me know when he considered the moment opportune for forwarding my letter to the Court. I replied that I should be happy to comply with his wishes.

I regret to have encroached on your Lordship's time in my present despatch and that of the 28th instant with such long reports on the question about protection to Jews in Morocco, but as I expect to find that the journals of Europe may echo the exaggerated reports which emanate from this country, I thought it desirable to place your Lordship in full possession of the facts of this case which have been brought under my knowledge.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 18.

Extract from "Gibraltar Chronicle" of October 29, 1879.

A CORRESPONDENT, writing from Casablanca on the 18th instant, says:—
"The French steamer 'Vérité' arrived here from Tangier on the 14th instant, bringing a Tangier Jewish merchant, named Isaac Amar, in custody of two Moorish soldiers. Amar is a native of Rabat, and has enjoyed, until a short time ago, Spanish protection, when it was cancelled by the Spanish Minister at Tangier simply because he had presented some claims against country Moors and also for not wishing to connive at robbery. Amar had proceeded to Tangier to press his claims before the Spanish Minister and to try and resume Spanish protection. On his arrival there he found that some Moors from this district had accused him before the Moorish Minister for Foreign Affairs, Cid Mohammed Bargash, with the murder of their brother. The accusers had conveyed the authority of the Sultan to whom they had made their complaint, the Spanish Vice-Consul here having previously thrown out the charge on the ground of want of substantial evidence, Amar being at the time enjoying Spanish protection. It seems that the only evidence to support the statement was the dying declaration of the supposed murdered Moor, who stated that he died through injuries received by Amar striking him. The Moor, who died about a fortnight after making that statement, had continued working for three days after being hurt. It is, however, an undoubted fact that the Moor died of typhus fever, which was at the time committing great ravages amongst them. The object of the Moorish Minister sending Amar here under escort is supposed to be in order to have the case tried here. It is said that the Spanish Vice-Consul has been instructed by the Minister to watch the case and see that Amar is allowed to defend himself according to the Moorish law, which in cases of this nature is most ridiculous, as no amount of evidence is sufficient to overthrow the dying statement of a Moor, even if made, as is supposed in this case, in revenge on a Jew. The complainants in the case arrived from Tangier two days ago, so that it will not be long before the result of the trial is known. The Moorish law condemns a man to forfeit his life for a murder, unless the Sultan exercises his clemency and commutes it to imprisonment for life. It would be infamous to allow the Moorish authorities to deal in this manner with an unfortunate man merely because he is a Jew. It is not known what led the Spanish Minister to abandon

Amar and discontinue his protection at such a critical moment. Amar now lies in the hands of a Kaid, a native of Tetuan and a fanatic *par excellence*, his hatred to Christians and Jews alike knowing no bounds. Amar was placed in heavy irons by him upon arrival, and it was only upon the intercession of the Spanish Vice-Consul that he was removed to the Kaid's residence from the Moorish prison."

No. 19.

Mr. West to the Marquis of Salisbury.—(Received November 10.)

(No. 209.)

My Lord,

Madrid, November 6, 1879.

THE Duke of Tetuan asked me yesterday whether I had heard anything more from your Lordship respecting the Conference proposed to be held at Madrid on the question of the interpretation of the Treaties of foreign Powers with Morocco, and whether your Lordship had indicated from what quarter the initiative in this matter should come. I replied that since our last conversation I had received no further instructions from your Lordship.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 20.

Mr. West to the Marquis of Salisbury.—(Received November 10.)

(No. 210.)

My Lord,

Madrid, November 6, 1879.

WITH reference to Sir John Drummond Hay's despatch No. 78 of the 31st ultimo, to your Lordship, transmitted under flying seal, I have the honour to inform your Lordship that I mentioned its subject-matter yesterday to the Duke of Tetuan, and asked his Excellency whether he had received any Report from Señor Diosdado on the case of the Jew, Isaac Amor, referred to therein. His Excellency replied that he had been informed of all the details of the affair, and proceeded to state the action in it of Señor Diosdado in as nearly as possible the terms of Sir J. D. Hay's above-mentioned despatch; and on my remarking upon this fact his Excellency seemed much gratified at this renewed proof of the cordial understanding which existed between the Representatives of Great Britain and Spain respecting the question of irregular protection in Morocco, upon which, however, he remarked that Señor Diosdado had asked for further instructions, and that he had replied that he had nothing to add to the approval which had been accorded to his (Señor Diosdado's) declarations in the name of the Spanish Government upon this subject in the Conferences at Tangier. He then proceeded to remark upon the attitude which certain Jewish associations were assuming, and the trouble they were likely to occasion by writing articles in the newspapers such as he had been given to understand had already appeared at Gibraltar.

Although I presumed from these observations that his Excellency was more or less aware of what Sir J. D. Hay had written on this subject, I did not think it expedient to communicate to him the memorandum inclosed in Sir J. Drummond Hay's despatch No. 76 until instructed by your Lordship to do so.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 21.

Sir J. Lumley to the Marquis of Salisbury.—(Received November 10.)

(No. 153.)

My Lord,

Brussels, November 9, 1879.

IN compliance with the instructions conveyed in your Lordship's No. 42 of the 7th ultimo, I addressed a note to the Minister for Foreign Affairs on the irregular protection afforded to Moorish subjects by Diplomatic and Consular officers.

In reply M. Frère-Orban has addressed to me a note, copy of which is inclosed,

expressing the assent of the Belgian Government to the proposal to assemble at Madrid a Conference of Representatives of the Powers interested in this matter.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure in No. 21.

M. Frère-Orban to Sir J. Lumley.

M. le Ministre,

Brussels, le 8 Novembre, 1879.

J'AI l'honneur d'accuser votre Excellence la réception de son office en date du 23 Octobre dernier.

Le Gouvernement du Roi est tout disposé à faire cesser, autant que possible, les abus de la protection irrégulière accordée à des sujets Marocains, et, le cas échéant, il accueillerait avec faveur la proposition de réunir à Madrid une Conférence des Représentants des Puissances intéressées, Conférence à laquelle le Gouvernement Marocain serait invité à envoyer un Délégué.

Veillez, &c.
(Signé) FRÈRE-ORBAN

No. 22.

Mr. Morier to the Marquis of Salisbury.—(Received November 14.)

(No. 55.)

My Lord,

Lisbon, November 7, 1879.

IN compliance with the instructions contained in your Lordship's despatch No. 29 of the 7th October, I have stated to Senhor Braamcamp that, in the opinion of Her Majesty's Government, the best prospect of a solution of the various questions which have formed the subject of negotiation between the foreign Representatives and the Government of Morocco, would be their reference to a Commission or meeting of Representatives at some foreign Court, in which the Moorish Government might be represented by a Delegate or Delegates deputed for the purpose, and that, in case this mode of procedure were resorted to, it seemed to Her Majesty's Government that the best place for such a meeting would be Madrid, both on account of its comparative proximity to Morocco, and in consideration of the interest which the Spanish Government and people take in the affairs of that country, and also because, in regard to this particular question, the Spanish Government has shown a disposition to take a liberal and conciliatory view, which promises to conduce to an equitable settlement.

Senhor Braamcamp replied without hesitation that, "le cas échéant," the Portuguese Government would be ready to adopt the course proposed by Her Majesty's Government.

I have, &c.
(Signed) R. B. D. MORIER.

No. 23.

Sir A. Paget to the Marquis of Salisbury.—(Received November 15.)

(No. 429.)

My Lord,

Rome, November 7, 1879.

WITH reference to my despatch No. 415 of the 21st ultimo, inclosing a copy of a note which I had addressed to the Minister for Foreign Affairs, proposing the meeting of a Conference at Madrid for the settlement of the question of the protection accorded by Diplomatic and Consular Agents in Morocco to Moorish subjects, I have the honour to inform your Lordship that I have spoken to Count Maffei on this matter.

He informed me that, before coming to a decision on the proposal now brought forward, the Ministry for Foreign Affairs would wish to consult their Representative in Morocco, M. Scorasso, who was now on leave of absence.

I stated to Count Maffei that I hoped the Italian Government would not be

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guided entirely by the opinion of this gentleman, who, from the part he had already taken in the meetings of the Representatives of the foreign Powers in Morocco, would, it might naturally be supposed, be averse to any arrangement which might have the effect of curtailing the limits within which protection was for the future to be accorded.

I had even been privately informed, I said, that M. Scorasso, shortly before leaving Tangier, had paid a visit in an Italian corvette to Mogador and other Moorish ports, where he had assembled the chief Jews, and assured them that the Italian Government would not cease to protect all those now on their lists, and also declared that he would be ready to receive from Jews throughout the Empire representations regarding any tyrannical or arbitrary acts on the part of the Moorish authorities.

I could not, I said, suppose that this had been done with the sanction of the Italian Government, whose policy I presumed must be, like that of Great Britain and the other Powers, to strengthen rather than undermine the already rather feeble authority of the Moorish Government, which latter must inevitably be the result of the sort of wholesale protection which M. Scorasso was said to have promised.

Count Maffei replied that he had not yet had time to study the matter under discussion, but that he would bear in mind my observations in considering the answer to be returned to my communication.

I have, &c.
(Signed) A. PAGET.

No. 24.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received November 17.)

(No. 84.)

My Lord,

Tangier, November 10, 1879.

WITH reference to my despatch No. 78 of the 31st October, regarding the case of the Jew Amar, who is accused of having caused the death of a Mahomedan, I have the honour to transmit the translation of a private letter I addressed the Vizir Cid Mohammed Ben Moktsar, on the 31st ultimo, which I dispatched the same day by an express courier to the Moorish Court.

I had informed your Lordship that, at the request of Cid Mohammed Bargash, I had agreed to address him a letter embodying the language I had held to him in an interview, but subsequently he suggested that I should write privately to the Vizir, which I did at once.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 24.

Sir J. Drummond Hay to Cid Mohammed Ben Moktsar.

(Translation.)

(Private.)

(After the usual compliments.)

October 31, 1879.

ON my return to Tangier, I was informed by the British Consul that a Jew, under Spanish protection, named Isaac Amar, accused of having been the cause of the death of a Moor from a blow inflicted in a scuffle, was delivered up by the Spanish Minister to Cid Mohammed Bargash, to be tried at Dar-el-baida for this offence.

M. Diosdado, the Spanish Minister, has given many proofs of his desire to act in a friendly manner towards the Sultan, and to uphold his rights as an independent Sovereign, and in the case of Amar he has acted in the same spirit, for as he was of opinion that the protection afforded to this Jew was irregular, he caused him to be delivered over to Cid Mohammed Bargash, but with the distinct understanding, as I am assured, that he should have a fair and impartial trial in the presence of the Spanish Vice-Consul at Dar-el-baida.

I am convinced that the Sultan and his Government fully appreciate the friendly conduct of the Spanish Minister, and that in this affair directions will be given that the trial should be proceeded in with great caution, and should be terminated in a manner to show that the confidence of the Spanish Minister in the spirit of justice, which animates His Majesty, has not been misplaced.

It is evident, from all I hear, that the Jew Amar never intended to inflict a serious injury on the Moor, and if his death was in any way hastened by the blow, it is an accident which might attend even a blow given by a parent to a child.

God forbid, therefore, that the serious charge of murder should be made against any one for such a mishap, and especially against an unfortunate Jew.

As a true friend of the Sultan and his Government, I will repeat to you the language I have held to Cid Mohammed Bargash on this question, which I wish you to bring under the Sultan's immediate notice, depending, as I do always, on His Majesty's wisdom, clemency, and good judgment.

My words were: "I trust and I urge that the accusation made against the Jew, even if it be proved, be dealt with as an accident and not as a crime, and that no harsh measures be resorted to. Let the Sultan give proofs at the present moment, when the question of irregular protection is still under the consideration of foreign Governments, that His Majesty regards his Jewish subjects with the eye of justice and mercy. Remember that a false step in the present affair might cause those Governments who have acceded to the demands of the Sultan regarding protection to alter their policy. Remember that you would be placing in the hands of those who maintain the necessity of irregular protection the strongest arguments to support their views."

The public journals in Spain have taken up this affair in a violent manner, and blame the conduct of the Spanish Government and of their Minister for giving up the Jew, who, they say, will be the victim of fanaticism and cruelty. Other European journals are echoing these opinions. The associations of influential Jews throughout Europe are, I am told, taking active and strenuous steps to obtain the intervention of their Governments.

My advice is, let the Sultan give good proofs before representations are made by the agents at Tangier of other foreign Governments, that His Majesty has forestalled their wishes, and in a spirit of magnanimity and clemency has ordered that the Jew be pardoned or treated with the greatest leniency. Do not fail to bring this letter under the eyes of His Majesty, as I feel persuaded the advice of a tried friend will be accepted without hesitation.

(Signed) J. H. DRUMMOND HAY.

No. 25.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 39.)

Sir,

Foreign Office, November 18, 1879.

IN reply to your despatch No. 78 of the 31st ultimo, I have to express to you my approval of your language to Cid Mohammed Bargash relative to the impending trial of a Jew named Isaac Amar, on the charge of having caused the death of a Moor at Dar-el-baida, and upon the question generally of the irregular protection by foreign Consuls of persons who are subjects of the Sultan of Morocco.

I am, &c.
(Signed) SALISBURY.

No. 26.

The Marquis of Salisbury to Sir A. Paget.

(No. 548.)

Sir,

Foreign Office, November 19, 1879.

I HAVE received your Excellency's despatch No. 429 of the 7th instant, recording a conversation which you have had with Count Maffei on the subject of the proposed Conference of foreign Representatives at Madrid for the settlement of the question of protection to Moorish subjects in Morocco, and especially with reference to the proceedings of M. Scorasso, the Italian Minister in Morocco, on this subject, and I have to state to your Excellency that Her Majesty's Government approve the language held by you to Count Maffei, as reported in your despatch.

I am, &c.
(Signed) SALISBURY.

Lord Lyons to the Marquis of Salisbury.—(Received November 22.)

(No. 1155.)

My Lord,

Paris, November 21, 1879.

IN his despatch No. 1022 of the 10th ultimo, Mr. Adams reported to your Lordship that he had on that day placed in M. Waddington's hands a memorandum respecting the irregular protection afforded to Moorish subjects by the Diplomatic and Consular officers of foreign Powers in Morocco.

M. Waddington gave me the day before yesterday a *note verbale* containing the answer of the French Government to Mr. Adams' memorandum, and I have the honour to transmit a copy of it to your Lordship herewith.

Your Lordship will see that, while agreeing to the proposal that the matter shall be referred to an International Commission at Madrid, M. Waddington deems it necessary to make at once a special reservation respecting the privileges of the "censaux" or agents employed by French merchants.

I have, &c.
(Signed) LYONS.

Inclosure in No. 27.

Note Verbale.

LE Ministre des Affaires Etrangères de France a reçu la note, en date du 10 Octobre dernier, par laquelle Mr. Adams lui a fait connaître que le Gouvernement de Sa Majesté Britannique, convaincu de la difficulté d'arriver à une entente entre les Puissances sur l'exercice des protections au Maroc, tant que la discussion se poursuivra à danger, propose de confier l'examen de cette question à une Commission Internationale, qui se réunirait dans une capitale en communication facile avec le Cabinet de Fez, et indique la ville de Madrid comme le siège le plus favorable aux Conférences dont il s'agit.

Le Gouvernement Français n'a aucune objection à élever, pour ce qui le concerne, contre la procédure suggérée par le Cabinet de Londres, et il est prêt à y prendre part, si les autres Puissances l'acceptent. Le Ministre de la République à Tanger a eu pour instructions, dès le premier jour, d'entrer autant que possible dans les vues de son collègue d'Angleterre, et de ne s'arracher dans ce débat qu'aux points où l'intérêt de la France est directement en cause.

Ceux qui restent en suspens ne présentent pas tous, à ce point de vue, une égale importance, et M. Waddington les étudiera de nouveau dans les dispositions les plus conciliantes. Mais il croit devoir faire une réserve spéciale dès à présent, au sujet des privilèges des censaux, dont la suppression porterait une grave atteinte au commerce Français dans ces contrées.

Paris, le 13 Novembre, 1879.

No. 28.

*The Marquis of Salisbury to Mr. Adams.**

(No. .)

Sir,

Foreign Office, November 22, 1879.

WITH reference to my despatch No. 128 of the 4th ultimo, and to other correspondence on the subject of the irregular protection afforded to the Mahomedan and Jewish subjects of the Emperor of Morocco by the Diplomatic and Consular Agents of foreign Powers in that country, I now transmit to you a copy of a further despatch which has been received from Her Majesty's Minister at Tangier, and of its inclosures.†

During a visit paid this summer to England, Sir J. D. Hay had the opportunity of communicating with the Rev. A. Löwy, the Secretary of the Anglo-Jewish Association, upon the position of the Jews in Morocco, and he has now furnished me with

* Also to Mr. Egerton, Sir J. Walsham, Sir J. Lumley, Sir C. Wyke, Mr. Stuart, Sir A. Paget, Mr. West, Mr. Erskine, Mr. Morier, Sir E. Thornton, and Mr. Ford.

† No. 17.

the memorandum inclosed in his despatch reporting the substance of what passed between them upon this question.

A separate copy of that memorandum is inclosed herewith, and I have to instruct you to use your own discretion as to communicating the whole of it, or selected portions only, to the Government to which you are accredited.

I am, &c.
(Signed) SALISBURY.

No. 29.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received November 24.)

(No. 87.)

My Lord,

Tangier, November 16, 1879.

WITH reference to my despatch No. 85 of the 10th instant, inclosing the copy of a letter I had addressed the Sultan's Chief Minister, Cid Mohammed Ben Moktsar, regarding the case of the Jew Amar, I have the honour to transmit a translation of the Vizier's reply, from which your Lordship will learn that orders have been given by the Sultan to the Governor of Dar-el-baida to seek to arrange with the relatives of the deceased Mahomedan, who is alleged to have died from the injuries received at the hands of Amar, by the payment of blood money, which, in certain cases, is admitted to be in accordance with the Mahomedan law.

Cid Mohammed Bargash informs me that he had already made a similar communication to Señor Diosdado, for the information of his Government, adding that the Sultan had been animated on this occasion not only with feelings of clemency towards the accused, but also by a desire to show that the confidence of Señor Diosdado in His Majesty's good-will and sense of justice has not been misplaced.

The fetters which were placed by the Governor of Dar-el-baida on the prisoner when he had arrived at that port were removed some time ago by the order of Cid Mohammed Bargash.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 29.

Cid Mohammed Ben Alarby Ben Moktsar to Sir J. H. Drummond Hay.

(Translation.)

(After compliments.)

19 Doolkadats, 1296 (November 4, 1879).

WE have received your letter relative to the case of the Jew Amar, who had killed a Mahomedan at Dar-el-baida. You say that the Minister of Spain had delivered him over to Cid Mohammed Bargash, in order that he might be tried by the "Shraa" (Tribunal of the Cadi) at Dar-el-baida, with impartiality, in the presence of the Spanish Consul at the said port.

You say also that the Spanish Minister at Tangier has given proofs of his good-will by the attitude he has generally assumed in the question of protection.

We have understood your recommendation that this affair should be proceeded in with justice and leniency, in order that the aforesaid (Spanish) Minister may feel satisfied, and may continue in his friendly feelings, and, therefore, that this Jew should be pardoned, or that a lenient decision should be come to.

We have laid your letter before our Lord the Sultan, and he has taken into his Shereefian consideration its contents, and His Majesty has expressed his approval of the suggestions you have made regarding the Jew, for he found them proper. His Majesty is convinced that you are a true friend, who seeks for the welfare of his Shereefian person, and His Majesty (may God prolong his life!) ordered us to thank you, and we therefore convey to you his thanks.

His Majesty is most anxious in questions affecting life to be scrupulous and circumspect. He is opposed to the shedding of blood, and seeks that satisfaction should be given (to the plaintiffs) through blood money, or similar means, which are admissible according to our law.

Leniency and forgiveness are easier than extreme measures.

Our Lord the Sultan has already addressed a letter to the Governor of Dar-el-baida,

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ordering that he should seek to arrange the matter by a pecuniary indemnity, and that he be not neglectful in this matter, so as to satisfy the relatives who are plaintiffs, with the view of arranging the affair according to our law, and that nothing illegal should be done.

Finished 19 of Doolkadats, year 1296.

(Signed) MOHAMMED BEN ALARBY BEN MOKTSAR.

No. 30.

Lord Odo Russell to the Marquis of Salisbury.—(Received November 24.)

(No. 561. Confidential.)

My Lord,

Berlin, November 22, 1879.

WITH reference to your Lordship's despatch No. 497 of the 7th October, instructing me to ascertain the views of the German Government with regard to the transfer of the seat of negotiations regarding the irregular protection afforded to Moorish subjects by Diplomatic and Consular officers from Tangier to Madrid, I took an opportunity of bringing the suggestion offered by Her Majesty's Government under the notice of Herr von Philipsborn.

On the following day I addressed to his Excellency a note, recapitulating the proposal, and communicating, for his confidential perusal, the printed correspondence contained in your Lordship's above-quoted despatch.

I have now received, in reply, a communication from Herr von Philipsborn, informing me that the German Government is equally of opinion with that of Her Majesty that a continuation of the discussion on this subject between the various Diplomatic Representatives at Tangier can hardly lead to any nearer agreement among the Powers than has already been attained.

Should the other Powers interested also be agreed that further discussion on the points hitherto unsettled should take place between the diplomatic Representatives at Madrid, the German Government will willingly accept such an invitation, and take part in the deliberations, when the Spanish and Moorish Governments have also agreed to do so.

I have, &c.
(Signed) ODO RUSSELL.

No. 31.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 41.)

Sir,

Foreign Office, November 24, 1879.

I HAVE to state to you that I approve your having addressed the private letter, of which a copy is inclosed with your despatch No. 84 of the 10th instant, to the Vizir Cid Mohammed Ben Moktsar, relative to the case of the Jew, Isaac Amar, who is charged with having caused the death of a Moorish subject.

I am, &c.
(Signed) SALISBURY.

No. 32.

Lord Lyons to the Marquis of Salisbury.—(Received November 26.)

(No. 1167.)

My Lord,

Paris, November 24, 1879.

I HAVE to-day, in execution of the instruction contained in your Lordship's despatch No. 1399 of the 22nd instant, transmitted to M. Waddington extracts from Sir John Drummond Hay's memorandum of his conversation with the Rev. A. Löwy on the subject of the position of the Jews in Morocco.

The portions of the memorandum which I have not included in the extracts sent to M. Waddington are the following:—

The words, "And in many cases had obtained that protection by bribery and corruption," in paragraph 5.

The whole of the following paragraphs:—

Paragraph 11, which begins with the words, "That I had no knowledge."

Paragraph 12, which begins with the words, "I observed that a few weeks before."

Paragraph 13, which begins with the words, "I find the amount of compensation."

Paragraph 14, which begins with the words, "I stated to Mr. Löwy that I had been informed."

I have, &c.
(Signed) LYONS.

No. 33.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received November 27.)

(No. 88.)

My Lord,

Tangier, November 18, 1879.

AS I think it is probable that Mr. West may have transmitted to your Lordship the debates in the Cortes of the 12th and 13th November, on questions affecting Spanish interests in Morocco, and as a member of the Opposition, Señor Carvajal, who was formerly a Minister of State, has made statements regarding myself which are devoid of foundation, I have caused the accompanying translation to be made from extracts of the speeches of Señor Carvajal and of the Duke of Tetuan.

I have observed with pleasure that the latter had expressed his disapproval at the attack on me as Representative of Great Britain, even when his Excellency had not, at the time, proof that there was no foundation for Señor Carvajal's assertions.

I desire to take this opportunity of repeating to your Lordship that I do not protect any Moorish subject who is not *bond fide* in the service of the British or other Governments I represent, or in my service and that of subordinate officers.

I have no property in this country but the site on a neighbouring hill, where my country house (which was built at my own expense, to serve as a refuge in the hot weather) is situated. That property consists of some 50 acres, three-fourths of which are formed of rocks and wood. Two gardeners are employed by me on that ground, and they are placed on my list of protected natives, as authorized by Treaty.

Besides this private property, I hold a piece of land about 5 or 6 acres in extent, which was granted upwards of a century ago to the British Representative at Tangier for his use. On that I grow green food for my horses and cows.

A Moor who acts as my chief guard, when I go on expeditions into the interior, is in charge of this ground, as was his father in the time of my predecessors during the last fifty years. He is placed also on the list of my servants, but no other native is protected by me to cultivate that land.

Señor Carvajal has, no doubt, been prompted in his mis-statements by those who are interested in maintaining irregular protection. On the other hand, I find he observes a discreet silence regarding the numbers of natives engaged in agricultural pursuits who are protected by other foreign Representatives.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 33.

Extracts from Speeches in the Cortes, published in the "Gaceta de Madrid" of the 12th and 13th November, 1879.

(Translation.)

Señor Carvajal.—If the right of protection is limited in accordance with the wishes of England, alas for the few Spaniards who are engaged in agricultural enterprise in Morocco! Recede, if you have not already done so; for this is a mere intrigue of England to deprive us of the only elements of influence that remain to us in Morocco. England can perfectly well renounce this right of protection, for the English Minister at Tangier holds extensive territorial possessions of many square leagues in the neigh-

bourhood of Tangier, occupied by two tribes, who, being considered as servants of the Minister, would enjoy English protection. The Minister Plenipotentiary of Spain holds no property in Morocco, so that when Spain renounces this right, Spaniards who dedicate themselves to cultivation will find no Moorish subjects to employ on their farms.

The Minister of State, Duke of Tetuan.—The honourable member, in speaking of protection, has formed a charge of so personal a character against a functionary representing a foreign Power accredited at Tangier, that I cannot but request him, if he speak again after myself, to state something in the sense of a satisfactory explanation. I do not doubt that the honourable member will admit that he is convinced, as I myself am, that there is no Representative of any country who, when it is a question of furnishing information on matters which interest his country, would be capable of being moved by paltry personal interests.

Señor Carejal.—I stated yesterday that England had no interest in maintaining protection in Morocco, as she had no protected persons in the country, but only in the towns, with the exception of her Representative in Tangier, who holds 4 or 5 square leagues of land, inhabited by two tribes, the members of which, as servants of the Legation, have no need of protection. I did not state that the said Representative would allow himself to be carried away in this question by personal interests, nor did I even hint that this interest would outweigh the national interests of England. But why, I ask, unless from constant timid fears, am I asked for an explanation of words which did not contain the slightest offence for the English Representative in Tangier?

No. 34.

Mr. Stuart to the Marquis of Salisbury.—(Received December 2.)

(No. 157.)

My Lord,

The Hague, November 29, 1879.

WITH reference to your Lordship's despatch No. 51 of the 22nd instant, inclosing a memorandum of a conversation which Sir J. Drummond Hay had had, during a recent visit to England, with the Rev. A. Löwy, the Secretary of the Anglo-Jewish Association, respecting the position of the Jews in Morocco, I have the honour to state that, as there appeared to be nothing in that memorandum which might not be communicated to the Netherlands Government, I have communicated it, as sent to me, in a note to Baron de Lynden de Sandenburg, of which a copy is herewith inclosed, with a request that the portions thereof to which it might be inconvenient to give official publicity should be treated as confidential.

I have, &c.

(Signed) W. STUART.

Inclosure in No. 34.

Mr. Stuart to Baron de Lynden de Sandenburg.

M. le Baron,

The Hague, November 29, 1879.

WITH reference to the note which I had the honour to address to your Excellency on the 14th ultimo, and to other correspondence upon the subject of the irregular protection afforded to the Mahommedan and Jewish subjects of the Emperor of Morocco by the Diplomatic and Consular Agents of foreign Powers in that country, I have been authorized by the Marquis of Salisbury to communicate to your Excellency the accompanying memorandum which has been received from Her Majesty's Minister at Tangier, of a conversation which he had had, whilst on a visit to England this summer, with the Rev. A. Löwy, the Secretary of the Anglo-Jewish Association, respecting the position of the Jews in Morocco.

As there are one or two passages in this memorandum referring to the Representative of another Power, to which it might be inconvenient to give official publicity, I shall be obliged to your Excellency to have the kindness to treat such passages as having been confidentially communicated to you.

I avail, &c.

(Signed) W. STUART.

No. 35.

*The Marquis of Salisbury to Sir A. Paget.**

(No. 564.)

Sir,

Foreign Office, December 3, 1879.

WITH reference to my despatch No. of the , relative to the irregular protection of native subjects in Morocco, I have to inform you that answers have now been received from nearly all of the Governments concerned in this question, and that those answers are generally favourable to the proposal that the points still unsettled should be referred for discussion by a Conference of Representatives at Madrid.

I shall be glad if you would bring the matter to the notice of the Government to which you are accredited, and solicit a speedy decision.

I inclose herewith, for your own information, printed copies of the correspondence that has passed.

I am, &c.

(Signed) SALISBURY.

No. 36.

Sir C. Wyke to the Marquis of Salisbury.—(Received December 4.)

(No. 112.)

My Lord,

Copenhagen, December 1, 1879.

I HAVE the honour to acknowledge receipt of your Lordship's despatch, marked No. 43 of the 22nd ultimo, just received, transmitting to me copy of a despatch, together with its inclosures, addressed by Sir John Drummond Hay to your Lordship, concerning the position of the Jews in Morocco.

As that gentleman has charge of Danish interests in that country, and possesses the entire confidence of Baron Rosenörn-Lehn, I see no objection to my delivering to this Government the whole of the memorandum which he has drawn up, detailing the language he held to the Rev. A. Löwy, Secretary of the Anglo-Jewish Association, on the subject of the irregular protection afforded to Mahommedan and Jewish subjects of the Emperor of Morocco by the Diplomatic and Consular Agents of foreign Powers in that country.

I have accordingly addressed a note to-day to the Danish Government, inclosing copy of this memorandum for their information, as instructed to do in your Lordship's above-named despatch.

I have, &c.

(Signed) CHARLES LENNOX WYKE.

No. 37.

Mr. Erskine to the Marquis of Salisbury.—(Received December 6.)

(No. 78.)

My Lord,

Stockholm, December 2, 1879.

I HAVE had the honour to receive your Lordship's despatch No. 29 of the 22nd ultimo on the subject of the position of the Jews in Morocco, and as your Lordship was pleased to instruct me to use my own discretion as to communicating the whole of Sir John Drummond Hay's memorandum, reporting the substance of what passed between him and the Rev. A. Löwy on this question to the Government of His Swedish Majesty, I have, after speaking to General Björnstjerna on the subject, left a copy of that memorandum with his Excellency.

General Björnstjerna took this opportunity of informing me, with reference to your Lordship's despatch No. 26 of the 7th ultimo, that he had instructed the Swedish Minister at Madrid, in case the proposed Conference on the irregular protection afforded to the Mahommedan and Jewish subjects of the Emperor of Morocco took place, he should, as a rule, be guided by the course pursued by the British Representative on any contested

* Also to Sir E. Thornton and Mr. Ford.

point, and that where any doubtful question of principle was involved, he should apply for fresh instructions to General Björnstjerna.

I have, &c.
(Signed) E. M. ERSKINE.

No. 38.

The Marquis of Salisbury to Mr. Stuart.

(No. 55.)

Sir,
Foreign Office, December 6, 1879.
WITH reference to your despatch No. 157 of the 29th ultimo, I have to state to you that I approve your having communicated to the Netherlands Government the memorandum of a conversation which Sir J. Drummond Hay has had, during a recent visit to England, with the Rev. A. Löwy, the Secretary of the Anglo-Jewish Association, respecting the position of the Jews in Morocco, and a copy of which was inclosed in my despatch No. 51 of the 22nd ultimo.

I am, &c.
(Signed) SALISBURY.

No. 39.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 45. Confidential.)

Sir,
Foreign Office, December 10, 1879.
I TRANSMIT to you herewith, for your own use, a printed collection of the correspondence which has passed on the subject of irregular foreign protection in Morocco since the date of your despatch No. 50 of the 28th July last, together with a printed copy of that despatch.

I am, &c.
(Signed) SALISBURY.

No. 40.

The Marquis of Salisbury to Mr. Erskine.

(No. 31.)

Sir,
Foreign Office, December 10, 1879.
WITH reference to your despatch No. 78 of the 2nd instant, I have to inform you that I approve your having left with General Björnstjerna a copy of Sir John Hay's memorandum reporting the substance of a conversation that passed between him and the Rev. A. Löwy, on the position of the Jews in Morocco.

I am, &c.
(Signed) SALISBURY.

No. 41.

Sir A. Paget to the Marquis of Salisbury.—(Received December 15.)

(No. 457.)

My Lord,
Rome, December 2, 1879.
I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 550 of the 22nd ultimo, transmitting a copy of a further despatch from Her Majesty's Minister at Tangiers relative to the irregular protection afforded to the Mahomedan and Jewish subjects of the Sultan of Morocco by the Diplomatic and Consular Agents of foreign Powers in that country, and inclosing a copy of a memorandum of the language held to Sir J. H. Drummond Hay by the Rev. A. Löwy, Secretary of the Anglo-Jewish Association, and of Sir J. H. Drummond Hay's replies.

Availing myself of the discretion allowed me in your Lordship's despatch, I have thought it better to leave out in my communication to the Italian Government the

passage in this memorandum marked in red ink in the duplicate copy herewith returned, and have sent the remainder to the Minister for Foreign Affairs in a note, a copy of which is herewith inclosed.

I have, &c.
(Signed) A. PAGET.

Inclosure 1 in No. 41.

Sir A. Paget to Signor Cairoli.

M. le Ministre,

Rome, December 2, 1879.

WITH reference to my note of the 21st October last relative to a proposal for a conference of the Representatives of foreign Powers, with the admission of Delegates for the Moorish Government, to be held at Madrid, for the regulation of the question of protection of Moorish subjects by the Diplomatic and Consular Agents in Morocco, I have the honour now to transmit to your Excellency, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, an extract of a memorandum of what passed between Sir J. Drummond Hay and the Rev. A. Löwy, the Secretary of the Anglo-Jewish Association, relative to the position of the Jews in Morocco at an interview which took place last summer while Sir J. D. Hay was in England.

I avail, &c.
(Signed) A. PAGET.

Inclosure 2 in No. 41.

Extract from Memorandum of the Language held to Sir J. H. Drummond Hay by the Rev. A. Löwy, Secretary of Anglo-Jewish Association, and of Sir J. H. Drummond Hay's Replies.

[The copy sent to Signor Cairoli was the same as Inclosure 2 in No. 17, with the omission of the 8th paragraph from the end, commencing "I stated to M. Löwy."]

No. 42.

Sir E. Thornton to the Marquis of Salisbury.—(Received December 18.)

(Telegraphic.)

Washington, December 17, 1879.

SECRETARY OF STATE views favourably proposal for a Conference at Madrid with regard to irregularly protected Moors, and will be glad to know details as to proposed scheme of Conference, and matters to be submitted to it.

No. 43.

Sir C. Wyke to the Marquis of Salisbury.—(Received December 19.)

(No. 117.)

My Lord,

Copenhagen, December 16, 1879.

REFERRING to my despatch No. 112 of the 1st instant, in which I informed your Lordship that I had considered it advisable to communicate to this Government the whole of the memorandum drawn up by Sir J. Drummond Hay on the subject of the irregular protection afforded to Mahomedan and Jewish subjects of the Emperor of Morocco by the foreign Diplomatic and Consular Agents in that country, I have now the honour to inclose, for your Lordship's information, a copy of a note from Baron Rosenörn-Lehn, acknowledging, with thanks, the receipt of the above communication.

I have, &c.
(Signed) CHARLES LENNOX WYKE.

Inclosure in No. 43.

Baron Rosenörn-Lehn to Sir C. Wyke.

M. le Chevalier,

Copenhagen, le 13 Décembre, 1879.

JE m'empresse de vous accuser réception du Rapport que vous m'avez fait l'honneur de me transmettre avec votre lettre du 1^{er} courant, et dans lequel Sir John Drummond fait part à son Gouvernement d'un entretien qu'il a eu avec M. Löwy sur la protection irrégulière exercée au Maroc par les Représentants des Puissances Etrangères, et je vous prie d'agréer avec mes remerciements les assurances, &c.

(Signé) ROSENORN-LEHN.

No. 44.

Sir A. Paget to the Marquis of Salisbury.—(Received December 29.)

(No. 473.)

My Lord,

Rome, December 23, 1879.

I HAVE the honour to inform your Lordship, with reference to your despatch No. 564 of the 1st instant, that on the 16th instant I addressed a note to the Italian Minister for Foreign Affairs stating that answers have now been received from nearly all the Governments concerned in the question of the irregular protection of native subjects in Morocco, that those answers are generally favourable to the proposal that the points still unsettled should be referred for discussion by a Conference of Representatives at Madrid, and that I had been instructed to solicit a speedy decision from the Italian Government upon this subject.

I have also spoken to Count Maffei as to the desire of Her Majesty's Government to receive an early answer from the Italian Government, and I took the opportunity of making further representations upon the general question, in order to secure this answer being favourable to the proposal. I am not without hope, from what Count Maffei replied, that it may be so, although he again spoke as to the necessity of having the opinion of Signor Scorapo.

I have, &c.

(Signed) A. PAGET.

No. 45.

Sir E. Thornton to the Marquis of Salisbury.—(Received December 30.)

(No. 252.)

My Lord,

Washington, December 17, 1879.

WITH reference to your Lordship's despatches Nos. 128 and 145 of the 4th October and 22nd ultimo respectively, I have the honour to enclose copy of a note which I received last night from Mr. Evarts, relative to the proposal made by Her Majesty's Government that the questions as yet unsettled relative to the irregular protection of native subjects in Morocco should be referred for discussion to a Conference of Representatives at Madrid.

Your Lordship will perceive that Mr. Evarts states that the Government of the United States has had the subject under consideration, and that he is disposed to look with favour upon the proposal, and will be glad to confer with me as to any specific mode of arranging the desired consultation, whenever I may be possessed of the views of Her Majesty's Government on the matters of detail.

This morning I had the honour to receive your Lordship's despatch No. 154 of the 2nd instant, and I therefore called upon Mr. Evarts, and asked him upon what points he wished to be informed. He replied that he would be glad to know at what time it was proposed that the Conference should meet at Madrid, and what would be the matter to be submitted to the Conference, and the form of its submission. He intimated that the United States Minister at Madrid would probably be instructed to represent the United States at the Conference.

No. 43*.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received December 22.)

(No. 100.)

My Lord,

Tangier, December 13, 1879.

HAVING received a letter from the Vice-Consul at Mazagan, Mr. Redman, acquainting me that the Lieutenant-Governor of that port persecuted and ill-treated the Jews, I addressed a letter to the Sultan's Chief Vizier, in a private and officious form, imparting the information I had received, and I requested him to submit my letter to the Sultan.

I received a reply from the Vizier, transmitting a copy of the letter the Sultan had addressed the Governor of Mazagan, of which I have the honour to inclose a translation.

His Majesty has prudently abstained from mentioning to that functionary that I am his informant.

I have communicated to the Chief Rabbi at Tangier the Sultan's orders, for the spirit of the letter shows that, though the Governors in the interior may ill-treat the Jews, the Sultan is animated by feelings of justice and humanity towards them.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 43*.

Shereefian Letter addressed by the Sultan of Morocco to the Governor of Mazagan, Cid Mohammed Aljary, ordering that the Jews should be well treated.—(Communicated to Sir J. H. Drummond Hay by the Chief Vizier, December 1879.)

(Translation.)

Praise to the one God!

COMPLAINTS have been addressed to the Shereefian Court, exalted of God, by the Jews of Mazagan, that you ill-treat them, imprison, flog, and impose penalties on them in an unjust manner.

Governors who act thus do not follow the precepts of our religion.

Dost thou not know that on the day of the resurrection the unjust will have to answer before God for the acts of injustice they may have committed?

This is the word of God accepted by all creeds.

The Prophet—may God make our prayers acceptable through him—said: "Who-soever acts unjustly towards the Jew will be called to account on the day of resurrection."

The Jews are our tributary subjects. We, therefore, order thee to cease from further persecution of the Jews, and to act with leniency and kindness towards them. May God assist you in doing so.

After this interview with Mr. Evarts, I thought it right to send your Lordship the telegram, of which I shall forward a recorder by the next packet.

I have, &c.
(Signed) EDWD. THORNTON.

Inclosure in No. 45.

Mr. Evarts to Sir E. Thornton.

Sir,

Department of State, Washington, December 16, 1879.

I HAVE the honour to acknowledge the receipt of your note of the 4th ultimo, in relation to the negotiations which have recently taken place between the Moorish Government and the foreign Representatives at Tangier on the subject of the irregular protection afforded to Moorish subjects by the Diplomatic and Consular officers in Morocco; and also of your note of the 13th instant, communicating, for my information, a copy of a memorandum of the language held to Sir J. Drummond Hay, by the Rev. A. Löwy, Secretary of the Anglo-Jewish Association, and Sir J. H. Drummond Hay's replies thereto; and repeating the inquiry made in your former note, as to whether this Government would regard with favour the proposal to refer the further discussion of the question of the irregular protection of the Moors to a meeting of the Representatives of the Powers concerned, to be held at Madrid.

In reply, I have the pleasure to inform you that this Government has had under consideration the subject to which your notes refer, and that I am disposed to look with favour upon the proposition, and shall be glad to confer with you as to any specific mode of arranging the desired consultation, whenever you are possessed of the views of your Government on the matters of detail.

I have, &c.
(Signed) WM. M. EVARTS.

No. 46.

Sir A. Paget to the Marquis of Salisbury.—(Received December 30.)

(No. 477.)

My Lord,

Rome, December 26, 1879.

WITH reference to my despatches Nos. 457 and 473 of the 2nd and 23rd instants, relative to the question of the irregular protection of native subjects in Morocco, I have the honour to transmit herewith to your Lordship copy and translation of a note which I have received from the Ministry for Foreign Affairs, notifying the assent of the Government of his Italian Majesty to the proposal for a Conference of the Representatives at Madrid for the discussion of the points which still remain unsettled.

The note adds that the names of the Delegates whom the Italian Government may appoint to represent them at the Conference will be made known on a future occasion.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 46.

Count Maffei to Sir A. Paget.

(Translation.)

M. l'Ambassadeur,

Rome, December 24, 1879.

IN reply to the notes which your Excellency addressed to me on the 21st October and the 16th December, relative to the irregular protection afforded by the foreign Representatives in Morocco to Moorish subjects, and to the best means of coming to an understanding with the Powers interested in the question, I have the honour to inform your Excellency that the Government of the King most willingly gives its adhesion to the proposal made by Her Majesty's Government for assembling at Madrid a Commission of the Delegates of the said Powers, in order that they may discuss and come to an understanding on the points of the question which are still unsettled. I shall have the honour to inform your Excellency on a future occasion of the names of

the Delegates whom the Royal Government may appoint to represent them at the Conference.

Receive, &c.
(Signed) MAFFEL.

No. 47.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received December 30.)

(No. 101.)

My Lord,

Tangier, December 22, 1879.

WITH reference to the despatches regarding the Moorish subject Isaac Amar, who is accused of having caused the death of a Mahommedan, I have the honour to transmit herewith copies of a private letter addressed to me by Baron de Worms, the President of the Anglo-Jewish Association, requesting me to obtain Amar's pardon and liberation from prison, and of my reply.

I have informed Baron de Worms that, though I could not properly communicate to him copies of the correspondence that has taken place on this subject with the Moorish Government, yet that I thought it probable that your Lordship would not object, should he desire further information, to his seeing that correspondence. Should Baron de Worms, therefore, apply to your Lordship for information, I think it might tend to remove the erroneous impressions that prevail amongst the members of the Jewish Associations in Paris and London regarding Amar, and the question of irregular protection afforded to the Jewish subjects of the Sultan by Diplomatic and Consular officers, if a copy of the memorandum of the conversation I had with the Rev. A. Löwy, the Secretary of the Association, was also communicated to Baron de Worms, as he may have received from the former an imperfect report of the views I entertain on this subject.

I would further suggest that Baron de Worms be shown the translation of the Sultan's letter to the Governor of Mazagan ordering that the Jews should be well treated.

The perusal of these documents will, I think, aid in satisfying the Jewish Association of the steps taken by me, in pursuance of the spirit of the general instructions of Her Majesty's Government, in behalf of the Jews, and also demonstrating the friendly manner in which the Sultan and his Government continue to receive my officious communications on such matters.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 47.

Baron de Worms to Sir J. Drummond Hay.

(Private.)

My dear Sir John,

Anglo-Jewish Association, 160, Portsdown Road,
London, December 8, 1879.

I VENTURE to address you on the subject of the proceedings taken at Casablanca against the Jewish merchant Isaac Amar, accused of murdering a Mahommedan who had been in his employ.

The particulars of the case being well known to the Jews of the country, whom you might question, I need not trouble you with them. The facts, as far as we are acquainted with them, leave no doubt on our minds that Amar is the victim of intrigue and intended extortions.

Feeling convinced that your influential intervention addressed to the authorities will put an end to the injustice which is about to be perpetrated, I beg you to exercise your authority and influence for the liberation of the poor man.

The prosecutors at Casablanca are believed to desire to wear out the patience of Amar's friends, who are watching the progress of the case, and are designedly keeping out of the way. Under these circumstances, it might be less difficult to obtain his immediate liberation.

I am, &c.
(Signed) H. DE WORMS.

Inclosure 2 in No. 47.

Sir J. Drummond Hay to Baron de Worms.

My dear Baron de Worms,

Tangier, December 22, 1879.

I HAVE to acknowledge the receipt of your letter of the 8th instant, requesting me to use my good offices with this Government in behalf of the Moorish subject, Isaac Amar, who is accused of having caused the death of a Mahommedan at Dar-el-baida.

On my return to Tangier from England in the end of October, the Moorish Minister, Cid Mohammed Bargash, informed me that Amar, who had been irregularly protected by a Spanish Consular officer, had been given up to him by M. Diosdado, the Spanish Minister, on condition that Amar should have an impartial trial at Dar-el-baida, and that the Spanish Vice-Consul should be present to watch proceedings; and that he had given the Spanish Minister an assurance that, as the case was rather one of homicide than of murder, no extreme penalty would be inflicted on the accused, though a pecuniary compensation would probably have to be granted to the family of the deceased, as in accordance with Moorish law, and also with the view of tranquillizing the agitation caused by this affair amongst the Mahommedan population.

M. Diosdado, in the course of a conversation I had with him, confirmed all that had been related to me in this case by the Moorish Minister.

Amar was kept a prisoner in the Minister's house and was kindly treated, but on his arrival at Dar-el-baida he was lodged in the public goal with fetters, as the Governor said he feared Amar's Christian friends intended to aid him to escape.

Notwithstanding the assurances given me by Cid Mohammed Bargash, I addressed a letter on the 31st October, in a private and friendly form, to the Chief Vizier of the Sultan, in which I pointed out the grave responsibility which would be incurred by the Moorish Government if the formal promise made to the Spanish Minister was not acted upon, whilst I urged that Amar should be treated with leniency, as I felt assured, from the information I had received, that even if the blow inflicted by him had hastened the death of the Mahommedan, it should be regarded as an accident and not as a murder.

In the Vizier's reply he repeated the assurances already given to the Spanish Minister, and his Excellency assured me that the Sultan "was opposed to the shedding of blood," and that "leniency and forgiveness are easier than extreme measures. That a letter had been addressed to the Governor of Dar-el-baida ordering that functionary to arrange the matter by a pecuniary indemnity." Orders were sent also that the fetters should be removed, and that the prisoner should not be harshly treated.

I have been shown a late letter from the Governor of Dar-el-baida to the Moorish Minister at Tangier, stating that he had received the Sultan's orders, and that he had done all in his power to induce the relatives to accept blood money as usual in cases of homicide, but they had declined to do so, except on hearing *vis à voce* the Sultan's decision, and therefore he was about to send them to the Court in order that the affair should be settled by His Majesty.

With reference to your remark that "Amar is the victim of intrigue and intended extortion," I am of opinion that the Sultan and his Ministers have shown a very friendly desire to meet the wishes of the Spanish Minister, and to act with justice and leniency, but it is a delicate task, for the strongest fanatical feelings might be roused against the Jews if the accused was liberated without the usual formalities required by the Mahommedan law in cases of homicide. I have no doubt that certain fanatics have worked upon the family of the deceased to prevent their accepting pecuniary compensation, but I am confident that the Sultan will finally carry into effect his decision, and that Amar will be liberated. In such case I should recommend that he should be advised to depart from Dar-el-baida, or even from Morocco.

There is no doubt in my mind, from information I have received even from Jewish sources, that Amar struck the Mahommedan with an iron bar. The deceased was in decline health, and though it is alleged he was seen walking about the streets a few days after he received the blow, yet it would appear some internal injury from the blow hastened his demise, and this was declared by the deceased before public notaries on his death-bed.

It would not be regular for me, without instructions from Her Majesty's Government, to communicate to you the correspondence that has passed between me and the Moorish Government on this subject, but I have no doubt, if you desired further

information, and were to apply to Her Majesty's Government, they might be disposed to allow you to peruse the correspondence that has taken place upon this subject, and the steps which I have continued to take in behalf of your co-religionists in this country.

I am, &c.
(Signed) J. H. DRUMMOND HAY.

No. 48.

Mr. West to the Marquis of Salisbury.—(Received January 3, 1880.)

(No. 253.)

My Lord,

Madrid, December 30, 1879.

WITH reference to your Lordship's despatch No. 139 of the 22nd ultimo respecting the irregular protection afforded by the foreign Representatives at Tangier to Moorish subjects, and inclosing a memorandum of the language held by Her Majesty's Representative at Tangier to the Jewish Association in London for communication to the Spanish Government, I have the honour to inform your Lordship that the late Ministerial crisis has hitherto prevented me from taking any step in this matter. As, however, it is likely that the Count Toreno will now resume the discussion of questions connected with Morocco, and as I have no reason to believe that his Excellency will depart from the policy of his predecessor, I have addressed a note to him, copy of which is herewith inclosed, transmitting a memorandum, of which copy is likewise annexed, embodying the substance of that contained in your Lordship's above-mentioned despatch, and giving only selected portions thereof for his Excellency's information.

It is highly important before proceeding further in the matter of the proposed Conference that there should be no misunderstanding between the two Governments as to the interpretation to be put upon the British and Spanish Treaties with Morocco as regards the protection to be afforded by the foreign Representatives to Moorish subjects, and that they should be agreed upon the questions raised in Sir J. Drummond Hay's memorandum with regard to the Jewish community in particular.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 48.

Mr. West to Count Toreno.

M. le Ministre,

Madrid, December 30, 1879.

WITH reference to various conversations which I have had with your Excellency's predecessors on the subject of the irregular protection afforded by the foreign Representatives to Moorish subjects in Morocco, I have the honour to inclose herewith to your Excellency a memorandum of the language held by Her Majesty's Representative at Tangier on this subject to the Anglo-Jewish Association in London.

Representations have doubtless been made to the Spanish Government by parties, Jewish and others, interested in the maintenance of irregular protection, which both the British and Spanish Governments are desirous of seeing abolished as contrary to Treaty stipulations and with a view of preserving the independence of the Sultan of Morocco within his own dominions.

The Marquis of Salisbury has in consequence thought it advisable that the Spanish Government, whose policy in questions relating to the affairs of Morocco has been hitherto in accord with that of Her Majesty's Government, should be made acquainted with the views of Her Majesty's Representative at Tangier as expressed in the accompanying memorandum.

I avail, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 2 in No. 48.

Memorandum of the Language held by Her Majesty's Representative at Tangier to the Anglo-Jewish Association in England respecting the Protection hitherto afforded to the Jewish Population in Morocco by the Foreign Representatives.

VERY erroneous impressions are entertained regarding the protection hitherto afforded to the Jewish community in Morocco by the foreign Representatives. The irregular protection of which the Moorish Government complains is contrary to Treaty stipulations, and has been extended not to the 200,000 Jews who form the Hebrew population of Morocco, but to some 1,500 wealthy Jews only, including their families. It is from these latter that the Associations of Jews in European capitals have received reports leading them to believe that a great calamity would befall the Jews in general if the protection afforded them was withdrawn. This is very natural, for they are by this means, rich as they are, exempted from all contributions and taxes due to the Moorish Government; but these advantages, it must be remembered, do not affect the 200,000 Jews who are not protected, but, on the contrary, give rise to strong feelings of hatred on the part of those Mahomedans who may have suffered from decisions given against them through the influence of a foreign Representative. The Treaties of Great Britain and Spain with Morocco stipulate that Moorish subjects in the service of foreign Diplomatic and Consular officers are alone entitled to be exempted from the jurisdiction of the Moorish authorities, and, moreover, the old French and other Treaties stipulate that not only Moorish subjects employed by foreign officers, but also foreigners themselves, were to be subject to the Moorish Tribunals, though the Consul was to be present at the trials. The abuse of irregular protection has resulted from the extension, under most-favoured-nation treatment, of the privileges in the British and Spanish Treaties to other foreign Representatives and the insertion in their lists of protected persons of Moors and Jews not *bond fide* in their service.

This abuse has become so intolerable of late years that the Sultan and his Government have raised the present question, and have demanded that protection should be restricted to the concessions made in the Treaties with Morocco. If the Jewish associations in Europe desired the welfare in Morocco of their brethren in general, and not merely the continuance of an abusive system of protection to some 1,500 persons enjoying it contrary to right and law, they ought to raise their voice against these abuses. All the foreign Representatives should respect the rights of the Sultan as an independent Sovereign, and they would then be in a position to act in concert and come forward as the representatives of civilization and humanity to protect oppressed Jews, and to declare that outrages or cruel acts of tyranny towards that oppressed race should not be tolerated by the civilized Governments of the world. The abuse of irregular protection redressed, the Moorish Government would have no grounds, no excuse, for refusing to listen to friendly representations. To the fact of the existence of certain disabilities and humiliations which the Jews of Morocco have to submit to, it may be opposed that the Jews in Morocco have been an oppressed race for many centuries and were treated as their brethren had been treated in ancient times in Europe, but that a great change has been brought about by the extension of commerce and the presence of foreign Consuls. Thirty-three years ago Jews had to take off their shoes on passing a mosque at Tangier, whereas they now ride where they please and are generally in a better position than the Mahomedan population, for they pay no taxes and are not subject to forced labour by the Government. The position of the Jews at the Moorish ports has also greatly changed for the better, and it is very rare that any case of injustice or cruelty towards them occurs, but it must be admitted that similar important changes have not taken place as regards the Jewish population at the cities of Fez, Mequinez, and Morocco. It is, however, more to the gradual improvement of the country through commerce than to reforms through the representations of foreign Governments or their Agents that European Governments ought to look to rectify this state of things, unless, indeed, some favourable opportunity should present itself, of which a foreign Representative might take advantage, of visiting the Court and impressing upon the Sultan that he would gain the good-will of foreign Governments by checking the arbitrary acts and injustice of his officers.

The Sultan Mulai Hassan is a humane and just man, but he would not have much power of control over his fanatical subjects if he attempted to introduce measures which would place his Jewish subjects on the same footing as the Mahomedans. It

would be most inadvisable and even dangerous for the Representatives of the powerful Governments of Europe to resort to pressure and peremptory demands in such matters, for the Sultan might finally be induced to give way apprehending the consequences of refusal.

Royal Edicts might be issued for the removal of certain disabilities or laws affecting prejudicially his Jewish subjects which might arouse a fanatical spirit amongst the Mahommedans and produce an outbreak involving the safety of the lives and property of thousands of innocent men, women, and children, while the Sultan would find himself powerless to prevent the outrages committed.

The policy, therefore, of too active an interference on the part of the foreign Governments in such matters is much to be deprecated, and they ought to trust rather to the gradual march of civilization brought about by commerce to the presence of Europeans in the country for the attainment of their objects.

Madrid, December 30, 1879.

No. 49.

Mr. Ford to the Marquis of Salisbury.—(Received January 16, 1880.)

(No. 66.)

My Lord,

Petropolis, December 19, 1879.

IN accordance with the instructions contained in your Lordship's despatch No. 36 of the 7th October, relative to the irregular protection afforded to Moorish subjects by Diplomatic and Consular officers, I inquired of Senhor Moreira de Barros, Minister for Foreign Affairs, what were the views of the Brazilian Government on the subject.

With regard to the objections raised by the Brazilian Representative at Tangier to the nineteenth demand made by Cid Mohammed Bargash to the effect that the subjects of the Sultan of Morocco, who had been naturalized in Brazil, should be subjected, whilst sojourning in the Sultan's dominions, to the local jurisdiction of their native country, his Excellency informed me that the number of such persons who had obtained letters of naturalization in Brazil amounted to five, and that, though animated by a strong desire to see set at rest a troublesome matter, and entertaining but little interest in the five individuals in question, the Brazilian Government could not withdraw the protection to which those individuals had become entitled, inasmuch as the withdrawal of that protection would constitute an infraction of the Constitution of Brazil, which nothing short of a reform of it by the Brazilian Chambers on that particular point could justify.

His Excellency further stated that the Brazilian Government saw no objection to the proposed Commission or meeting of Representatives to be held either at Madrid or at any other foreign Court, in order to take into consideration a solution of the question at issue, and that the Government, on receiving an invitation to send a Representative to the meeting, would instruct him to vote in strict conformity with the majority of the members attending it, whenever his so doing would not entail a contravention of the Constitution of his country.

In discussing the subject generally with M. Moreira de Barros, his Excellency said that he quite concurred in the justness of Cid Mohammed Bargash's fourth demand, to the effect that the immunities and privileges granted to a Moorish subject and his family living with him, who might be named a Consular Agent in any post, should not extend to persons who were not members of that family; and he stated that orders had been given to the Brazilian Representative at Tangier on no account to nominate any Vice-Consuls or Consular Agents who might be subjects of the Sultan of Morocco.

I have, &c.

(Signed)

FRANCIS CLARE FORD.

No. 50.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 2.)

(No. 10.)

My Lord,

Tangier, January 24, 1880.

LETTERS from Jewish merchants at Fez give the following account of a horrid outrage which has been committed in that city:—

A native Jew, who had obtained French protection, had a quarrel with a Mahommedan at the gate of the town. Blows were interchanged, a mob collected, and the Jew ran off. Other Jews who happened to be passing were attacked by the mob, but they also escaped by flight, except one old man, who was seized and beaten until he became senseless. Faggots were brought, and the body, wrapped in a mat and besmeared with petroleum, was cast into the flames.

The Sultan, on hearing of this atrocious outrage, ordered the ringleaders to be arrested, as also eight Mahommedans who had shops near the site where the Jew was murdered, on account of their not having intervened to prevent the commission of this horrid crime.

It is supposed that these prisoners will be required to pay "blood money" to the relations of the murdered Jew.

It is also reported that the Military Governor of Fez has been dismissed from office on account of this affair, and that his successor had received orders from the Sultan to tranquillize the minds of the Jewish population, and to assure them that they would be protected by His Majesty from further acts of violence.

In a despatch No. 14 of the 14th February of last year I informed your Lordship that the chief Jews of Fez had expressed their apprehensions that an outbreak of Mahommedan fanaticism might take place at any time against the Hebrew population, on account of the acts of their co-religionists who obtained French or other foreign protection, and conducted themselves in an arrogant manner towards the Mahommedans.

In the sixteenth century an incident similar to that I have related brought about the massacre of all male Jews at Fez who did not embrace the Mahommedan religion. There are numerous descendants of these Jews who became Mahommedans, whose surnames denote their Hebrew origin.

Irregular protection, unless checked, may bring about some day a similar catastrophe, for the Sultan's power of controlling his fanatical subjects is, I fear, of a very doubtful character, and I am told his action on this occasion has produced general dissatisfaction amongst the Mohammedan population.

I have, &c.

(Signed)

J. H. DRUMMOND HAY.

No. 51.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 9.)

(No. 13.)

My Lord,

Tangier, February 2, 1880.

WITH reference to my despatch No. 10 of the 24th January, reporting the murder and burning of an innocent Jew by a fanatical mob at Fez, and the steps which it was alleged had been taken by the Sultan to punish the perpetrators of this crime, I regret to inform your Lordship that I now learn, from a Jewish source, that not one of the murderers has been arrested, and that the shopkeepers, who had witnessed the burning of the Jew without making an effort to rescue him, have been released, and that a deputation of Jewish Elders to the Sultan had been informed by an officer of the Court that no blood-money could be granted to the widow and children of the deceased.

I had informed your Lordship, in the above-mentioned despatch, that the steps which had been taken by the Sultan had produced general dissatisfaction amongst the fanatical population of Fez, and Cid Mohammed Bargash tells me he believes that His Majesty, apprehending the consequences of this agitation, had released the shopkeepers, and had refused to take any further steps to grant justice.

Under these circumstances, I decided on addressing a letter, herewith inclosed, to the Chief Vizier, in an officious form, remonstrating against this neglect of justice, and

offering advice as to the measures which should be adopted, not only to punish the murderers and to grant pecuniary relief to the pauper family of the deceased, but also to take energetic steps for the prevention of further outrages throughout this country, as it is to be feared, if the fanatical population hear of this murder having been committed with impunity at the capital, where the Sultan now resides, it will encourage the perpetration of further atrocities.

Your Lordship will observe that I have added a postscript at the request of the Spanish Minister, who concurs entirely with the advice I have offered to the Vizier.

I think it is very probable that the commission of this horrid crime will be brought forward as an argument, by some of the Representatives at Tangier and also by the Hebrew Societies at London and Paris, for the continuance of irregular protection afforded to the limited number of wealthy Jews who, being thus exempted from taxation and the jurisdiction of the Moorish authorities, will naturally profit by this occasion to point out the dangers to which they may be exposed if protection is withdrawn.

I hear also that the commission of these crimes is attributed by the partisans of irregular protection to the fact that the question of its abolition is now under the consideration of foreign Governments. This is an unreasonable supposition, for though the Sultan's Ministers and chief officers, and the population of Tangier, where the Representatives reside, are aware that this question has been under discussion, yet the ignorant inhabitants of Fez and other towns, even if they heard of such reports, have rather been led to the belief, from no steps having been taken during the two years that the question has been agitated, that protection and the consequent interference with the right of the Sultan to govern his own subjects will be continued and increased.

The quarrel of the French protected Jew with a Mahommedan, and the fact of his having placed himself on an equal footing with his opponent, had incited the fanatical Mussulmans to commit this horrid crime; the Mahommedan, after the fight, having appealed to the mob, exclaiming "Will you allow a Jew to strike a Moslem and to escape?"

I take this opportunity of repeating what I have stated to your Lordship on previous occasions, that the irregular protection afforded to 1,500 Jews by the foreign Representatives is not of the slightest benefit to the 200,000 souls who compose the Hebrew population of Morocco, but, on the contrary, the arrogant conduct of some of these protected Jews, and the presentation of false claims, has roused the strongest feelings of animosity on the part of the Mahommedan population of Fez to the Jews in general.

If it be settled at the proposed Conference at Madrid that irregular protection should be abolished, I have to suggest that when a communication of this decision is made by the Representatives at Tangier to the Sultan, in pursuance of the instructions they may receive from their respective Governments, that an identic representation should be simultaneously addressed to this Government by all the foreign Representatives regarding the tyranny and injustice from which the Jewish population suffer, and that His Majesty should be made to understand, in firm but friendly language, that the civilized Powers of the world will no longer tolerate the commission of acts of tyranny and injustice by the Sultan's officers, and that they have directed their Representatives to make known to His Majesty (who they believe is kept in ignorance) the acts of tyranny or cruelty which may come to their knowledge, either on the part of the authorities or of the Mahommedan population, in order that justice may be done.

A step of this kind would aid in mitigating the present oppressed state of the Jewish population, and be far preferable to the continuance of the irregular protection now afforded by the foreign Representatives to a limited number of the Jewish population.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

P.S. February 3.—I have opened this despatch to add that I have been informed this morning that the Vizier had sent for the principal Jews of Fez, and had told them that the Sultan had instructed him to give them assurances that energetic steps would be taken to insure the safety of their lives and property, and to prevent the recurrence of similar outrages. The Vizier gave the Jews, on the part of His Majesty, the sum of 200 dollars for the widow and children of the deceased.

J. H. D. H.

Inclosure in No. 51.

Sir J. Drummond Hay to Cid Mohammed Ben Alarby Ben Moktsar.

(Translation.)

(After compliments.)

February 1, 1880.

REPORTS have reached Tangier of the perpetration of an atrocious outrage at Fez, in the middle of last month.

It is stated that a quarrel had occurred between a Mahommedan and a protected French Jew, and that blows had been exchanged. A mob collected and assailed a number of Jews who happened to be passing. The Jews escaped from the hands of their assailants, with the exception of an old and infirm man, who was quite innocent of having given cause for offence. He was beaten until he became senseless, and then the mob besmeared his body with petroleum and set fire to it.

It was reported that the Sultan, on hearing of this horrid crime, had ordered the ringleaders to be arrested and also eight of the shopkeepers who had witnessed the murder without moving from their shops to rescue the Jew from the hands of his murderers. It was stated also that assurances had been given by the Sultan to the Jewish population that justice would be done, and that His Majesty would take energetic steps to insure the safety of the lives and property of his Jewish subjects. Later tidings have just reached me contradicting this account. It is declared that no arrests of the murderers had taken place, that the eight shopkeepers had been liberated, and that on the appeal of the Jewish Elders to the Sultan for justice on account of this horrid murder, and for pecuniary compensation to the poor family of the deceased, they were informed by an officer at the Court that no redress, according to the "Shraa," could be afforded. I feel persuaded that this reply to the Jewish Elders could not have been given by the orders of the Sultan nor by you as his Vizier.

Reports of the Commission of this horrible outrage have been published in the journals of Europe. The Associations of Jews in London, Paris, and other capitals will no doubt make urgent representations to their respective Governments, calling upon them to intervene in behalf of their oppressed brethren who are exposed to such inhuman and unjust treatment. The fact of this horrible crime having been committed at the city of Fez, where the Sultan and his Court are now established, will intensify the general indignation that will be felt throughout Europe and America, whilst it will lead to the belief, either that the Sultan has no power of control over his Mahommedan subjects, or that justice is denied when a Jew is murdered in broad daylight by a Mahommedan mob at the very gate of the Sultan's capital.

I address you this letter in a private form, and as a true friend of the Sultan, but I shall not conceal from you that if the information I have received is correct, and that justice has been refused, it will estrange the friendly sentiments of the British and of all the foreign Governments with whom the Sultan is allied, and it may even raise the question whether the Governments of Europe will not be justified in intervening, and declaring that they hold the Sultan and his Government henceforward responsible for the prevention of such horrid atrocities and for the proper and humane treatment of Jews in Morocco.

My advice is, "Arrest and punish severely the ringleaders who took part in the commission of this murder and retain them in prison. Let the Sultan give to the pauper family of the deceased, as a proof of His Majesty's benevolence, a handsome sum of money. Let assurances be given to the Jews that energetic steps will be immediately taken to insure the safety of their lives and property, not only at Fez, but in all parts of His Majesty's dominions, and let letters of warning be written to Governors of the towns and provinces to act with energy and justice in preventing the ill-treatment of His Majesty's Jewish subjects."

This outbreak of fanaticism, and the alleged apathy of the Government and refusal of justice, though a Jewish subject of the Sultan has been murdered at the gate of the Shereefian Court, will be known throughout the Sultan's dominions. The impunity of the murderers will encourage other fanatical Mahommedans to commit similar atrocities. The gravest consequences may thereby be entailed, for all confidence will be lost by foreign Governments in the security of life and property, not only of Jews in general, but also of the Christians who reside in Morocco.

I request you to communicate without delay this letter to the Sultan, and to inform His Majesty that every word I have written is dictated by the friendly interest I take in His Majesty's welfare. I send this letter by an express, in order that I may

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obtain an early reply, as I trust, if my advice is acted on, it may aid in removing the baneful impression which has no doubt been left on the minds of the British Government and that of the public in general by the reports which have been already transmitted to Europe of this horrid outrage.

If my advice is not followed, and steps are not taken to repress these outrages throughout Morocco, the gravest responsibility for the consequences that may ensue will rest especially upon yourself, as being the Vizier and chief adviser of the Sultan, who has always been ready to do what is just and right when the matter is properly submitted for His Majesty's consideration.

I hear that a Jew has also been murdered at Taza.

(Signed) J. H. DRUMMOND HAY.

P.S.—The Spanish Minister, who, as you are aware, is animated by the most friendly feelings towards the Sultan, has spoken to me regarding the murder and burning of the Jew, and he informed me that if his Interpreter, M. Rinaldi, had not been absent, he would have addressed an officious letter to Cid Mohammed Bargash or to you in the same sense as that I have now written. Under these circumstances, he has requested me to add that he concurs entirely in the advice I have given, and urges, as a friend to the Moorish Government, that it should be followed.

J. H. D. H.

No. 52.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 9.)

Sir,

Foreign Office, February 11, 1880.

IN reply to your despatch No. 13 of the 2nd instant, I have to state to you that I fully approve the note you addressed to the Chief Vizier in a semi-official form on the previous day, based upon the information then before you, with regard to the action taken by the Sultan in respect of the murder of a Jew by Mahomedans at Fez.

I am, &c.

(Signed) SALISBURY.

No. 53.

Mr. West to the Marquis of Salisbury.—(Received February 17.)

(No. 34.)

My Lord,

Madrid, February 14, 1880.

SEÑOR CARVAJAL, a Radical Deputy, and whose name is known to your Lordship as mixed up with the intrigue reported in my despatch No. 92 of the 17th June, questioned the President of the Council yesterday in the Cortes upon the course which the Government intended to pursue with regard to the protection afforded by Foreign Representatives to Moorish subjects, and as to what had been done respecting the demand lately made by some Moorish tribes for permission to place themselves under the Spanish flag.

Señor Canovas replied that Spain and Great Britain had Treaties which conceded the right of protection, and that the Spanish Government would maintain the terms of these Treaties. Irregular protection, however, having been afforded under them, and the rights of the Sultan as an independent Sovereign having been encroached upon, it was proposed to assemble at Madrid the Representatives of the European Powers interested in this question with a view of coming to some common understanding upon it.

It was impossible for Spain to pursue an isolated course of policy with regard to Morocco. Other Great Powers, and especially England, were interested, and their policy must be taken into consideration. With respect to the arrival of the Moorish emissaries at Malaga, Señor Canovas said that the Spanish Government had no intention of taking them under its protection. Such a course would inevitably lead to serious complications with the Sultan's Government, which it was the object of the Government to avoid.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 51*.

Lord Lyons to the Marquis of Salisbury.—(Received February 11.)

(No. 98.)

My Lord,

Paris, February 7, 1880.

IN my despatch No. 86 of yesterday I had the honour to report to your Lordship that it had been stated to the Marquis de Molins, the Spanish Ambassador, on what he considered rather good authority, that the Embassy from Morocco now at Paris was negotiating with the French Government a Treaty providing for some sort of French Protectorate or protection of that country.

Without making any allusion to the Marquis de Molins or to Spain, I mentioned this afternoon to M. de Freycinet the rumours that are prevalent, and asked him what foundation there was for them.

His Excellency answered that there was no foundation at all for them, and he authorized me to inform your Lordship positively that there is no question whatever of any kind of French Protectorate or protection of Morocco, and that the negotiations going on with the Moorish Embassy relate only to small questions which have arisen between Morocco and Algeria.

The Baron de Courcel, the Political Director in the Foreign Office, having come into the room, M. de Freycinet asked him whether there was any sort of communication with the Moorish Ambassadors which could give a colour to the reports which appeared to have been spread.

M. de Courcel replied that nothing having the slightest connection with a Protectorate or a protection of any kind was being treated of with the Embassy from Morocco.

I have let the Marquis de Molins know privately what M. de Freycinet stated to me.

I have, &c.

(Signed) LYONS.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 18.)

(No. 18.)

My Lord,

Tangier, February 9, 1880.

WITH reference to my despatches No. 10 and 13 of the 24th January, and 2nd February, regarding the murder of a Jew at Fez by a fanatical Mahomedan mob, I have the honour to transmit the translation of a letter addressed to me by Cid Mahomed Bargash, communicating the substance of a letter he has received from the Sultan, together with two notarial documents, which give a different version of the origin of this atrocity from that which reached me through Jewish sources.

I think it is probable, however, that there is exaggeration and misrepresentation in both accounts, but when the tidings of this crime were first received at Tangier through a letter from a European residing at Fez and by a courier who gave a verbal report of what he had seen and heard, they were similar to the present narrative, with the exception that no mention was then made of the murdered Jew having threatened the Mahomedans with arms, which statement I believe to be an invention of the Mahomedan witnesses.

There is no doubt, however, that the conduct of protected Jews at Fez has aroused the strongest feelings of animosity on the part of the Mahomedans against the Jews in general, and I consider it to be most fortunate that the inhabitants of the Jewish quarter escaped on this occasion from massacre and rapine.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

P.S.—I propose, with your Lordship's sanction, to take advantage of my approaching visit to Fez to urge the Sultan to do all in his power to ensure the safety of his Jewish subjects and to allay the irritation which prevails against the Jews on the part of the Mahomedan population.

J. H. D. H.

Inclosure 1 in No. 54.

Cid Mohamed Bargash to Sir J. Drummond Hay.

(Translation.)

(After compliments.)

26 Safar, 1297 (February 8, 1880).

YOU inquired of us whether we had received accurate information respecting the Jew who was burned; we replied that we had received accurate information, and you asked for it in writing. Know then, my friend, that I have received a Sheriffian letter, in which His Majesty exposes the harm that is caused by protection, and the injury that His Majesty's subjects suffer from those under protection, for the protected Jews exceed all bounds, relying on their protection, the evil actions they commit being very many, it being their custom to infringe and elude the duties and prescriptions of the laws, availing themselves for that purpose of skilful artifices, to such a degree that a protected Jew, named Mordecai Ben Yashua, of Tetuan, drank (became intoxicated), armed himself, and standing at the gate of Cid Abi Nafé, attacked a Mussulman woman, a Bedawa of the tribe Ulad-el-Hadj, who with her husband had come from the Kabila to the market-place of Fez to make purchases, and whose husband had remained behind, as they were returning home, to buy some fruit in the market place situated at the gate of the said Cid. She commenced to shout and scream till her husband arrived and pushed aside the Jew forcibly, in order to separate him from her. The Jew then produced a pistol and rushed and fired at him, the ball wounding him in the anterior part of the cranium; he then threw a stone which fractured his temple. The guards at the gates arrested both the Mussulman and the Jew, and led them before the Governor of Medina, as his shown in the certified declaration herewith inclosed. Then, after the two had been carried off, another Jew, named Ibrahim Ben Jacob Elaluc, who was with the above-named Jew, drew his arms and began to threaten the passers-by, cursing the religion and the Government, thus creating a great disturbance; a crowd of people of boys uniting against him (the Jew Ibrahim) put him to death and dragged him into a street from which there is no exit, which is in that place, and lit a fire over him with wood that is sold in the same spot for household purposes, and had not God averted it there would assuredly have

been a massacre of all the Jews, and the Millah (Jew's quarter) would have been sacked. This act which the Jews committed in the midst of the inhabitants of the place where they dwell, who surround them as the stars surround the moon, is one of the greatest proofs of their daring and of the audacity of their excesses owing to their protection. The inhabitants of the place could never have committed this act, notwithstanding that they are very numerous, for the Jews do not equal the tenth part of the tenth part of the tenth part of them.

When His Majesty received notice of this, he immediately dismissed the Governor of New Fez, as he had observed in him a certain apathy and want of energy, and appointed another in his place, ordering him to search for and seize those who acted thus towards the Jew, and he does not cease searching for the culprits.

With respect to the husband of the aforesaid woman, he has died from the wound which the Jew inflicted on him, as is shown in the inclosed certified document, which we send to you together with the other, that you may see it and return it to us.

We acquaint you with the truth of the occurrence, that you may be on your guard, for it is no secret that the Jews distort the truth and cause disorder, as is well known. Friendship and peace. 26 Safar, 1297.

(Signed) MOHAMED BARGASH.

Inclosure 2 in No. 54.

Notarial Evidence.

(Translation.)
Praise be to God!

WITH the permission of the competent authority (judicial), granted through his subordinate, Malik Ben-el-Hassan, the Susé, those who certify this proceeded to the district of Merisy, where dwell a portion of the tribe Ulad-el-Hadj-el-Jechalifat, and they stopped in front of a man who was in his (jaima) tent, in the encampment of the Shiekh Mahommed, who (the man) was dead, without breath or life in him, and in the front part of his cranium he had a bullet wound which had grazed the skin, and in his left temple a large wound, which had fractured and splintered the bone for the space of a finger in length and breadth, and on his head and face a swelling produced by the blow (wound) above mentioned. The Chiefs of the encampment, and his (the dead man's) wife Fatima, daughter of Cabur-el-Hadj Eljilali, descended from Abdelkader Ben Ali, being presented before us and questioned with regard to the author of the wounds and the cause of his death, his aforesaid wife answered, "that on the 2nd day of this present month she and her husband Abdelkader, the deceased, had gone to the capital to make purchases in the market, and when they had set out on their homeward way in the afternoon of [the same day, when she reached the Cid Abbi Nafé, her husband having remained a little behind to purchase some fruit, a Jew dressed in a scarlet jelab, Mordecai Ben Yashua-el-Tetauni by name, came towards her and assaulted her, and placed his hands within her clothes and commenced to pull her and to drag her from the road; that she shouted and wept till her aforesaid husband ran up, and when he arrived he began to push him (the Jew) aside, in order to separate him from her; that then the Jew drew a pistol from under his clothes and threatened her husband, cursing him; but her husband continued pushing him forcibly to separate him from her; thereupon the Jew threw himself upon him and fired at him with the pistol, wounding him in the front part of the cranium, and then threw a large stone, which wounded and fractured his temple, which caused his head and face to swell, and he died." Thus those who certify this, heard and put it in writing. Done the 11th Safar, 1297.

(Here follow the signatures of the adools, or notaries public, who authorize this document.)

Inclosure 3 in No. 54.

Notarial Evidence.

(Translation.)
Praise be to God!

THOSE whose names are mentioned after the date (of this document), declare that they know perfectly well and sufficiently for the purposes of law the Jew Mordecai Ben Yashua, of Tetuan. They make then this declaration, "that they saw him yesterday afternoon in a state of intoxication pass by Cid Abi Nafé; that at that moment a Mussulman woman, a Bedoweeh, was walking along the road with her husband; that the said Jew rushed upon her and began to assault her indecently, and to place his hand on her, and to threaten the husband with a pistol, which he held in his hand, and to curse him; that the husband pushed him to separate him from her, then the Jew fell upon him and fired his pistol at him, only wounding him in the front of the cranium, and immediately threw a stone which wounded him on the left temple, the Mussulman falling on the ground on account of this blow, and commencing to bleed; that some guards then came up and arrested both and led them before the competent authority; that they knew this as they were present and saw it." Such is the declaration made by them (the aforesaid persons) in answer to the questions put to them, and thus they place in writing on the 3rd Safar, 1297.

Here follow the names of twenty-five persons of different tribes, or kahiles, and towns.

And finally the adools, or notaries public, authorize this document with the attestation of Kadi or Judge.

No. 55.

Sir H. Drummond Hay to the Marquis of Salisbury.—(Received February 19.)

(No. 19.)

My Lord,

Tangier, February 10, 1880.

I HAVE the honour to transmit the translation of a letter addressed to me by the Moorish Minister, Cid Mahommed Bargash, containing an extract from a letter he has received from the Sultan, directing him to make known to the foreign Representatives that His Majesty cannot allow Moorish subjects who are the holders of letters of naturalization to be exempted from the jurisdiction of His Majesty's authorities or from taxation, and stating that orders are about to be issued to that effect to His Majesty's Governors.

The Sultan and his Ministers are aware that the Governments of Great Britain, Germany, Austria, Belgium, Denmark, Spain, the Netherlands, and Sweden acknowledge his rights as an independent Sovereign in this respect, but that the Governments of France, Italy, Brazil, Portugal, and the United States have not as yet acceded to this demand.

With reference to my despatch No. 18 of the 9th February, transmitting the translation of a letter addressed to me by Cid Mahommed Bargash, containing an account he has received from the Sultan of the murder and burning of a Jew at Fez, it will be observed that His Majesty attributes the animosity displayed by the Mahommedans towards his Jewish subjects to the irritation which is felt by the former at the conduct of protected persons.

The passage in the Sultan's letter wherein he thanks God that the Jew quarter had not been sacked by the Mahommedan mob leads me to believe that apprehensions are entertained by His Majesty that, if the present state of the question of protection continues, and a fresh cause for provocation were given, a more serious outbreak of fanaticism on the part of the Mahommedan population at Fez might occur, which he (the Sultan) would not have the power to control.

These feelings have, I think, led the Sultan to direct his Minister to make the present representation regarding naturalized Moorish subjects.

As I learn from the copies of the despatches which your Lordship has sent me from Her Majesty's Ministers in foreign countries, that all the Governments have agreed to appoint Plenipotentiaries to the proposed conference at Madrid to discuss the subject of irregular protection, I beg to submit whether it would not be desirable, under the present circumstances, that the Conference should take place as soon as possible, in order that this vexed question may be finally settled.

I have observed in several foreign journals, and in the "Jewish World," numerous

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letters from the wealthy Jews who have obtained irregular protection, which are misleading public opinion into the belief that the proposed withdrawal of the privileges they enjoy has affected and will affect prejudicially the 200,000 Jews who form the Hebrew population of Morocco.

Scurrilous abuse is heaped upon some of the foreign Representatives, especially those of Great Britain and Spain, for supporting the demands of the Moorish Government; whilst the Italian Minister, M. Scovasso, who is the chief supporter of the irregular protection, is extolled; though I have reason to know that, with some rare exceptions, I am the only Representative who has taken an active part during a long course of years in using good offices on behalf of Jews when cases of oppression and injustice have occurred.

If the Governments of Europe and America, animated by humanitarian sentiments, desire to mitigate the oppression which the Jewish population in Morocco have endured for centuries, the first step is to remove all just ground of complaint on the part of this Government that Treaty stipulations are infringed by the irregular protection which has been afforded to the 1,000 or 1,500 wealthy Jewish subjects of the Sultan—but that, on the withdrawal of this protection from the limited number of favoured persons, the Sultan should be distinctly made to understand that the civilized Governments of the world will not tolerate the commission of acts of cruelty and injustice by the Moorish authorities, and that the Sultan will be in danger of losing the friendship of these Governments if energetic steps are not taken to check the tyrannical proceedings of Mahomedans in general.

Such a step would be really beneficial to the entire Jewish population of Morocco, whereas the continuance of irregular protection may eventually lead to a state of anarchy in the country, and to some dreadful catastrophe affecting the entire Jewish population.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 55.

Letter addressed by Cid Mahommed Bargash to Sir J. D. Hay and to the other foreign Representatives at Tangier.

(Translation.)

(After compliments.)

26 Safar, 1297 (February 8, 1880).

YOU will remember that we had made a verbal communication to you and to all the other Representatives regarding the prejudice caused to this Government by Moorish subjects, who bring letters of naturalization, and claim to be exempted from the jurisdiction of the Moorish authorities, and refuse to pay the taxes due to the Government. We had also addressed, on two occasions, letters to the Representatives, stating that Shereefian orders had reached us declaring that this state of things is a contravention of the laws of these dominions, for every subject who returns to his native country must be subject to the jurisdiction of the authorities, and pay what is due to the Government, according to the established custom. Notwithstanding these communications the prejudicial state of affairs has not been checked, and the aforesaid persons continue to be protected; our Lord the Sultan has therefore ordered us to renew the rightful demand, which the Sultan, as an independent Sovereign, has put forward, and we give as follows an extract from the Shereefian letter:—

"We had written to you before on the subject of naturalization, and we had directed you to inform the Representatives at Tangier that the established laws of our happy dominions do not admit that either our Mahomedan or Jewish subjects should transfer their allegiance to another allegiance. After a long delay no result has been attained, and the injury caused by it (naturalization) continues up to the present time. We shall therefore write to our Governors not to acknowledge these persons, and to carry into execution the laws of these dominions, for letters of naturalization or like documents cannot enable the holder to infringe the law of our dominions. We order you therefore to make fresh representation upon this subject to the foreign Representatives before we issue the orders to our Governors, and assure them that we are most desirous to preserve the most friendly relations with all foreign Powers, but that we cannot admit that which contravenes the laws of our dominions, nor that its rights be set aside—'Peace.'"

We request you to transmit this to your powerful Governments, for we feel assured, from their well-known friendship and justice, that they will not admit that our laws should be contravened, as in identic circumstances, before this, it was admitted that the

subjects of the Sultan of the Ottomans naturalized in foreign countries could not be removed from the jurisdiction of the Ottoman authorities, nor from the payment of taxation. Peace and friendship, 26 Safar, 1297.

(Signed) MOHD. BARGASH.

No. 56.

Pro-Memoria communicated to the Marquis of Salisbury by Count Károlyi, February 20.

THE Imperial and Royal Government being represented in Morocco by the British Minister to that Court, Sir John Drummond Hay, was entertained by him with despatch in date of the 19th July, 1879, on the complaints of the Government of Morocco relative to the too extensive exercise by some foreign Agents of their right of protection over their respective nationals. According to these complaints, the right in question would often be exercised in a manner not to be conciled with the principles of Treaties and seriously affecting the authority as well as the material interests of the Local Government.

The latter had therefore expressed the opinion that it would be desirable to fix by a common understanding between the interested Powers the precise limits of the attributions of foreign Agents in Morocco with respect to the right of protection.

As the views taken in this matter by the Government of Morocco were agreed to on some points by all the foreign Representatives, whilst on others divergent opinions were emitted, Sir John Drummond Hay pointed out, as the most convenient and time-saving course to be adopted, the settling of the question by an international Conference to be held in some European capital.

Since this information no further news on the subject have reached the Vienna Cabinet until the end of last month, when the Austro-Hungarian Minister at Madrid reported a communication made to him by his British colleague, Mr. Sackville West, relative to a project of opening shortly a Conference on the above question at that place.

In this state of things, the Imperial and Royal Cabinet would feel much obliged to the British Foreign Office for favouring it with some hints relative to the resolutions which Her Majesty's Government might have already taken on the subject, as well as with regard to the intentions by which they are guided in general in the question.

Belgrave Square, January 19, 1880.

No. 57.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 21.)

(No. 20. Confidential.)

My Lord,

Tangier, February 12, 1880.

WITH reference to my despatch No. 92 of the 28th November of last year, and to No. 14 of the 3rd February, 1878, regarding the unprincipled proceedings of the French Drogman, M. Hecquard, I have the honour to transmit the statement of a British subject, Mr. Labos, who happened to be an eye-witness of what took place when M. Hecquard passed through the Province of Sherarda, and when he subsequently claimed and obtained from the Moorish Government the sum of 10,000 dollars on account of property declared to have been robbed from him in that province, whereas it is proved there was no robbery.

As the Interpreter of the Spanish Legation, M. Rinaldi, had visited Fez shortly after M. Hecquard's departure, I showed M. Diosdado (the Spanish Minister) the statement of the British subject, and inquired whether M. Rinaldi had heard of these proceedings. M. Diosdado informed me that M. Rinaldi confirmed the information I had received.

The proceedings of M. Hecquard are publicly known here, and have become a general subject of conversation and censure amongst the members of the Diplomatic Corps at Tangier.

It would be, I am aware, a very delicate task to impart this information to the French Government, especially as M. Hecquard has lately been decorated by the President and given the rank of Consul for the services he has rendered on his late

errand to the Moorish Court, and for accompanying as Interpreter the Moorish Embassy to Paris; but when the journals of Europe are proclaiming the atrocities committed by Mahommedans on Jews, I could not refrain from reporting to your Lordship the cruel torture of two innocent Mahommedans who are stated to have died under the lash inflicted by order of the Sultan in consequence of the misrepresentations and demands of an officer of the French Legation, even though the extortion of such a large sum as 10,000 dollars, and other disreputable proceedings, reported by M. Labos, might be passed over in silence.

M. Hecquard is, as I have said, an able man, and carries out with success the orders of his Government and Chief through dictatorial language and menace, which completely paralyzes this weak Government, knowing, as they do, that behind the Drogman is a powerful army within a few days' march of the capital.

I am persuaded the French Government, and even their Minister, M. de Vernouillet, are kept in ignorance of the proceedings of M. Hecquard, but I think it my duty to report the information I have received, and to add that it cannot be a matter of surprise that the fanatical feelings of the Mahommedans throughout this country should be roused against Christians and all persons under their protection when such glaring acts of barbarity and extortion are committed with impunity by an officer of a powerful Government like that of France.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 57.

Statement by Mr. Samuel Labos.

(Translation.)

ON Friday afternoon M. Hecquard arrived at Sherarda (in the province under Kaid Zirary) accompanied by the French protected Jew, Solomon Benasuli, and the Taleb Bensamot (Arabic Secretary), and with them were also a French gentleman, the Moorish soldier Felaj from Tangier, and another soldier from Larache.

El Felaj came before the Kaid to announce the arrival of M. Hecquard. The Kaid then sent me with the Khalifa to inquire about the quantity of "mona" (gift of provisions) required. M. Hecquard demanded a saffa (60 almoods) of barley,* 2 sheep, butter, chickens, eggs, 6 loaves of sugar, 2 pounds of tea, and 6 pounds of candles. The demand for barley was subsequently reduced to 30 almoods, equal to about 25 Tangier almoods, but all the other articles were delivered according to demand. He then demanded 6 large dishes of cuscus, and 2 large bowls of stewed meat; on receipt of all this he demanded a saddled mule and a mounted soldier, which were also accorded to him. M. Hecquard had only 14 animals with him, and remained only the afternoon and night of Friday, continuing his journey to Fez on the morning of the 8th, after having sold to a Moor of the place the sheep at 50 ounces a head, the chickens at 4 ounces, and the barley at 20 ounces the almood. On their arrival at Bab Chucha, the muleteers with M. Hecquard seized a negro in charge of a mule belonging to the Kaid Ibrahim Sherady, and attempted to take forcible possession of it, but the mule ran away to a neighbouring village, whereupon the muleteers left on the ground the load, consisting of 2 green cases and a mattress rolled up. When the Kaid received information as to where the cases were left, he asked me to accompany him to the spot, which I did, and the cases and mattress were carried back on a camel. I must state that two adools (public notaries) accompanied the Kaid, and that they opened in my presence a case fastened with cord, and took an inventory of the effects, consisting of cooking utensils. The other case was locked; and the mattress contained a waistcoat, a carpet, 2 cushions, a sheet, and a small bag with 2 sponges. I also took a note of all this. The Kaid sent a letter to the Court giving an account of the occurrence, and inclosing a letter from me to Solomon Benasuli, telling him all, and sending an inventory. The Kaid sent at the same time the cases and the mattress to Fez, but M. Hecquard refused to receive them until they promised to pay him 10,000 dollars, of which he said that he had been robbed on the same occasion. He took possession of the 2 cases and mattress two days after his arrival in Fez. Immediately afterwards Kaid Mohammed El Bokhari with four soldiers appeared in Sherarda, demanding (by order of the Sultan) the arrest of those who had robbed M. Hecquard, and also of the negro who was with the mule that escaped. The Kaid was embar-

* Enough for the feed of 200 animals. M. Hecquard had 14 animals.

assed, not knowing whom to deliver up as there had been no robbery; but owing to the peremptory orders of the Sultan, he sent eight innocent Moors and the negro. On their arrival at Fez they were immediately bastinadoed, having buckets of water thrown over them at the same time. A small boy and an old man died under the flogging, and the survivors, after having been well bastinadoed, were cast into prison.

Four days later the Ameen Lebady,* with 25 soldiers, appeared before the Kaid of Sherarda, and presented a letter from the Sultan, exacting 70,000 ducats (10,000 dollars), of which M. Hecquard declared that he had been robbed in his territory. The poor Governor raised his eyes to Heaven and said to me, "Do Christians act in this manner?" I, knowing that he had reason for making this remark, could not find anything to reply, but he added, "The Sultan does this to please the Christians!" The Kaid then sent soldiers to summon all the richest persons of his tribe, and on their arrival he read them the Sheriffian letter and said, "My brethren, this is an injustice, which was destined by God to happen to us." He then assessed each according to the harvest he had made this year, telling them that otherwise he would have to send them prisoners to the Sultan. They demanded the interval of two market days (a fortnight) that they might be able to sell their corn. The first collection of money he sent with the Ameen Lebady to Fez, and fifteen days later he completed the sum of 10,000 dollars. The Kaid, fearing to go to Fez on the Feast of Rams, requested me to accompany him and to make a declaration of what I had witnessed, and as the Kadi also asked me to go to Fez, I consented; the Kaid told the Prime Minister, Cid Mohammed Ben Arby, that he was accompanied by a British subject, who had been recommended to him from Tangier by Cid Mohammed Bargash, and who had been a witness of the whole affair from beginning to end, and that there had been nothing seen or heard of such a robbery. But when the Minister Ben Arby informed M. Hecquard that I could make him a declaration of the whole occurrence, he took no notice, but demanded his money.

After this I withdrew from the question, and six days later Solomon Benasuli told me that M. Hecquard was going to Tangier, taking with him some of the money which he claimed, and that he (Benasuli) would follow with the rest, for which purpose he was remaining at Fez. He informed me that M. Hecquard took with him 6,000 dollars, and that the remaining 4,000 dollars he himself conveyed to Tangier in two loads.

On the morning of the day on which M. Hecquard left Fez, I happened to be at the gate of Dar Mahsen looking at some curiosities, and meeting M. Hecquard's Taleb with a servant entered into conversation with him. He told me that he was tired with waiting for a horse that was to be presented to M. Hecquard, and which was the third that he had changed, as the two former ones had not met with his approval, and that he himself also hoped to change a green "sulham" (Moorish cloak), that had been given to him together with other clothes, for a white one.

Whilst I was living in the Mellah (Jewish quarter), during M. Hecquard's stay in Fez, several French protected subjects came to me and related what was passing between them and M. Hecquard. They said that he had demanded all their letters of protection, and that when they, thinking that he merely wished to examine them, delivered them up, he put them all into his pocket. There were over thirty protected subjects, and on their presenting themselves before M. Hecquard, three days later, to ask him for their papers, he answered that they no longer had French protection. They asked my advice as to what they had better do under these circumstances, but I declined to interfere in the affair, and told them to act as they thought best. Three of them, namely, Moses Amazy and two others, came to me afterwards, and informed me that Jacob Levy and Leahu Amor had succeeded in recovering their papers by paying 300 dollars a-piece to M. Hecquard for them. Several, or rather four, of the others then told me that they thought of going to France to complain of the manner in which they had been treated by M. Hecquard in the matter of the passports, and said that they preferred spending their money on the journey to making a present of it to M. Hecquard. Two of them have already gone to France to lay their complaint before "L'Alliance Israélite," and the other two are on the point of starting.

On the following day I met Benasuli in the Mellah, and said to him, "Solomon, what is this about M. Hecquard and the protections?" He answered, "What can I tell you? I cannot say anything. He has ruined them. I have already told them that I will arrange it for them for a certain sum, but they refuse, so I can do nothing. This man (M. Hecquard) is an Azrael (the messenger of death)."

* Treasurer.

Later there was a report in Fez that the widow of the Jew who was murdered in Sefro was complaining that M. Hecquard had retained 3,000 dollars of the sum that had been paid him for the murder, and had also taken possession of the papers of her husband. This report was current in all the Jewish quarter.

(Signed) S. LABOS.

No. 58.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 21.)

(No. 24.)

My Lord,

Tangier, February 13, 1880.

I HAVE the honour to transmit a paragraph inserted in the "Times" of the 7th instant, stating that the Italian Minister at Tangier will probably be "sent on a temporary mission to Madrid." If the report is correct, I think it is probable that the Italian Government intend that he should be their Delegate, or one of their Delegates, at the proposed Conference at Madrid, which is to discuss and settle the question of irregular protection afforded by Diplomatic and Consular officers to Moorish subjects.

It is much to be regretted if the Italian Government has decided on appointing M. Scovasso as their Delegate, for, if other foreign Governments interested in this question follow their example, and appoint as Delegates their Representatives at Tangier, the object which it was desired to obtain, by the transfer of the discussion to Madrid, will be frustrated, and it will lead to a mere repetition of the arguments already brought forward by those who may have personal interests in this question, and its solution will be more remote than ever.

I observe, from the tenour of the note of Sir A. Paget to Señor Károlyi of the 21st October last, that this was represented by his Excellency to the Italian Government, as he said that "a continuance of the discussion at Tangier is not likely to further an agreement upon the questions left undecided."

M. Scovasso has the greatest number of Moorish subjects of those irregularly protected at Tangier.* They are some of the wealthiest inhabitants of this town, who are chiefly engaged in trade with France and Great Britain.

If M. Scovasso is enabled to persuade his Government that these persons should be retained under Italian protection, and should each of the foreign Representatives claim the right of being placed on an equal footing, which they would be entitled to do, and as there are twelve other Representatives, the number of heads of families placed under foreign jurisdiction and exempted from taxation would be 360, or about 1,800 of the well-to-do population of Tangier, and the Government of Tangier would thus become vested in the foreign Representatives.

Moreover, there is no reason why the other Representatives should not increase also the number of irregularly protected subjects at all the ports, and even in the interior, and therefore if the precedent established by the irregular protection afforded to Moorish subjects by the Italian Representative is not withdrawn, the Government of the country would become impossible, and a continual struggle would exist between the foreign Missions and Consulates, in consequence of the rivalry which would take place as to who should extend protection to the greatest number of the subjects of the Sultan.

M. Scovasso had stated in the Conferences at Tangier that he could not withdraw protection from those who already enjoyed it, as he had no confidence in the Moorish Government refraining from the commission of arbitrary acts against those who had been protected, notwithstanding that Cid Mohammed Bargash declared that guarantees would be given that those who had been protected would not be ill-treated, and that when any charge might be brought against them, before being tried at a Moorish Tribunal, notice would be given to the Consul under whose protection they had been, in order that he might be present at the trial and watch proceedings.

This assurance has already been put in practice in the case of the Jew Amar, at Daralbaida, who had been irregularly protected in past years by Spanish Consular officers, and who, having caused the death of a Mahomedan, had been given up by the Spanish Minister to be tried by the Moorish Tribunal. This person has been pardoned by the Sultan, though he is still in confinement until the question of blood-money is settled, but any Tribunal for settling that question will be held in the presence of the Spanish Consular Officer, if he desires to attend.

I feel convinced, from the experience I have had of the last twenty years, that no

* Some 30 persons, or, with their families, about 100.—J. H. D. W.

Jew at Tangier, whether protected or unprotected, will be the victim of Mahomedan fanaticism or oppression. Indeed, I would venture to guarantee that not one of the Sultan's subjects at Tangier, under the irregular protection of Italy or other Power, whether Jews or Mahomedans, would suffer from the abolition of irregular protection; but I can perfectly understand the reluctance M. Scovasso has in parting with those numerous protégés, as in this small town, where there are only three or four Italian subjects and no Italian commerce, he naturally foresees that his occupation will be gone, though, in reality, his influence with the Moorish Government would be far greater than at present, when he places himself on a right footing as regards Treaty engagements.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 58.

Extract from the "Times" of February 7, 1880.

Rome, February 6, 1880.

ITALY.—I have reason to believe that Commendatore Stefano Scovasso either has been or shortly will be named, by Royal Decree, Minister Plenipotentiary at Tangier, where he has hitherto held the rank of Minister, and will probably be sent on a temporary mission to Madrid.

No. 59.

Mr. West to the Marquis of Salisbury.—(Received February 23.)

(No. 37.)

My Lord,

Madrid, February 19, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 28 of the 5th instant, inclosing copy of a despatch from Sir J. Drummond Hay relative to the state of affairs in Morocco.

I communicated the substance of this despatch to Señor Canovas del Castillo in the form of a memorandum, and at an interview which I had with his Excellency yesterday he discussed at some length the questions therein raised, as well as the state of the country, as described by Sir J. Drummond Hay in the despatch alluded to. His Excellency said that the reports which he had received from the Spanish Minister at Tangier tallied with those of Her Majesty's Representative which I had from time to time communicated to the Spanish Government, but that Señor Dicsdado seemed to think that the maintenance of the *status quo* in Morocco was no longer possible.

The Spanish Government, his Excellency said, were most anxious that the independence of the Sultan and his Government should be preserved, and he presumed, from all that had passed, that Her Majesty's Government were animated by the same desire. Spain could not, even if she wished it, initiate any policy with regard to the Empire of Morocco which did not coincide with that of Her Majesty's Government, who were more deeply interested in the maintenance of its integrity than any other Power, and he recognized, more than ever, under present circumstances, the necessity of a cordial understanding between the two Governments in the event of certain eventualities arising which might require combined action.

There was, he said, an *arrière-pensée* on the part of the French Government in the railway scheme to which he could not shut his eyes, and, pressed as Spain was by French influence on the north of her, he should deprecate its establishment on the south of her; nor did he conceive that such an extension of Algeria, as the establishment of this influence must involve, would be viewed with favour by Her Majesty's Government, considering the vicinity of Gibraltar and the questions which might arise as to the command of the Straits. He had no desire to predict, much less to create, events for the sake of dealing with them, but at the same time events would not be stopped or the difficulty of dealing with them lessened by indifference to their possibility, and he considered that the time was come when certain contingencies which the maladministration of the Sultan's Government had given rise to ought to be taken into serious consideration by the two Powers most interested in the future of Morocco and in the consequences likely to ensue from the system of government which obtains in that country.

Both the English and Spanish Governments were endeavouring to assist the Sultan in upholding his authority over his own subjects, as was evinced by their desire to

settle the question of the irregular protection afforded by the Foreign Representatives to Moorish subjects, and of which he (the Sultan) complained as militating against it.

If further proof of this desire on the part of the Spanish Government was required, it would be found in the course they had taken and were taking with regard to the Moorish emissaries who have lately arrived at Malaga from the districts near Melilla, the inhabitants of which sought Spanish protection, but which, for the reasons he had given in the Cortes, based on the ground of upholding the Sultan's authority in his own dominions, could not and ought not to be accorded by any foreign Power.

While on this subject he would beg me to submit to Her Majesty's Government that if the negotiations now pending resulted in a meeting of the Representatives to consider the question of foreign protection, no other one should be discussed, and that the Representatives should be limited to the interpretation of the Spanish and English Treaties in Morocco.

I may here state to your Lordship that Señor Canovas' reasons for making this suggestion appear to be based upon the supposition that, if a general discussion of the affairs of Morocco were to be permitted, the pretensions which would be put forward by France and Italy to interference in the internal affairs of the country would raise the very question which, if the *status quo* is to be maintained, it is necessary to avoid, namely, whether the Sultan is able to uphold his authority in his own dominions or not—a question, nevertheless, his Excellency said, upon which he was most anxious to come to some understanding with Her Majesty's Government. I told Señor Canovas that I would report his language to your Lordship as faithfully as I could, and that I was sure it would meet with the attentive consideration of Her Majesty's Government.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 60.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received February 24.)

(No. 26.)

My Lord,

Tangier, February 18, 1880.

WITH reference to the despatches marked in the margin* relative to the Jew Amar, who had caused the death of a Mahomedan at Daralbaida, I have the honour to inform your Lordship that I have received a letter from the British Vice-Consul at that port, informing me that Amar has been released by order of the Sultan.

I wrote privately in the beginning of this month to the Vizier, informing him that a certain fanatic, named Wrld-el-Mergy, had urged the family of the deceased Mahomedan not to accept an indemnity from Amar, and I recommended that no time should be lost in giving orders that this unwarrantable interference should be put a stop to, and that Amar should be released. It appears that Amar has been set at liberty without any conditions about payment of blood money. He told the Vice-Consul that he should proceed at once to Europe to thank those who had used their good offices in his behalf.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 61.

The Marquis of Salisbury to Sir J. H. Drummond Hay.

(No. 15.)

Sir,

Foreign Office, February 25, 1880.

I HAVE received your despatch No. 18 of the 9th instant, relative to the murder of a Jew by a Mahomedan mob at Fez.

Your proposal to make representations to the Sultan during your visit to Fez in regard to the expediency of affording proper protection to his Jewish subjects has my entire approval. I shall be glad to learn that you have had an opportunity of urging the matter with effect upon His Majesty's attention.

I am, &c.
(Signed) SALISBURY.

* No. 78, October 31; No. 85, November 10; No. 87, November 15; No. 101, December 22, 1879.

No. 62.

*The Marquis of Salisbury to Lord Lyons.**

(No. 194.)

My Lord,

Foreign Office, February 27, 1880.

YOU will have received a copy of Sir J. Drummond Hay's despatch No. 24 of the 13th instant, calling attention to a paragraph in the "Times" of the 7th to the effect that it is intended by the Italian Government to send M. Scovasso, their Minister at Tangier, as their Delegate to attend the proposed Conference at Madrid for the discussion of the question of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects.

It seems to Her Majesty's Government but too probable that if the different Powers who are interested in this question are to be represented by the same persons who have carried on the previous discussions at Tangier without arriving at an agreement, the whole object in transferring the consideration of the question to another locality would be rendered nugatory.

I concur with Sir John Drummond Hay in thinking that the best plan would be, should the proposed meeting at Madrid be carried out, that each of the Powers should designate as their Delegate their actual Representative in that capital, or some other person who, being unprejudiced by previous discussions and local influences, would be free to examine the question in all its bearings in an impartial spirit.

I request that your Excellency will express these views confidentially to the Government to which you are accredited, stating at the same time that Her Majesty's Government propose to nominate Mr. West, Her Majesty's Minister, as their Delegate, and that they would be glad to know that a similar course recommends itself to the other Powers concerned.

I am, &c.
(Signed) SALISBURY.

No. 63.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 17.)

Sir,

Foreign Office, March 1, 1880.

I HAVE to express to you my approval of your proceedings, reported in your despatch No. 26 of the 18th instant, in order to obtain the release from prison of the Jew Amar, who had caused the death of a Mahomedan at Daralbaida.

I am, &c.
(Signed) SALISBURY.

No. 64.

The Marquis of Salisbury to Mr. West.

(No. 47.)

Sir,

Foreign Office, March 1, 1880.

I HAVE to inform you that Her Majesty's Government have received replies from all the Powers concerned to the proposal to hold a Conference at Madrid on the subject of the irregular protection afforded to Moorish subjects in Morocco by Diplomatic and Consular officers.

I inclose, for your information, printed copies of the correspondence which has passed upon this subject, and you will there find the answers of the several Governments acceding to the proposals for a Conference, and agreeing in the choice of Madrid as the capital in which it should be convened.

The majority of the Powers have assented without any reservation or comment whatever, but I would call your attention—

1. To the reply of the American Government, in which they ask to be informed when the Conference will meet, and the nature of the business to be submitted to it (*vide p. 44 of the print*).

2. To the suggestion of the Duke of Tetuan contained in your despatch No. 189 of the 16th October of last year (see p. 22); and

3. To the reservation made by the French Government respecting the privileges to

* Also to Sir H. Elliot, Lord Odo Russell, Sir J. Lumley, Sir C. Wyke, Mr. Stuart, Sir A. Paget, Mr. West, Mr. Erskine, Mr. Morier, Sir E. Thornton, and Mr. Ford.

be accorded to the censeaux or agents employed by the French merchants in Morocco (see p. 37).

Her Majesty's Government are not apprehensive that these remarks will in any way retard the meeting of the Representatives at Madrid.

You will inform the Spanish Government that Her Majesty's Government are of opinion that it should be distinctly understood that no other subject should be brought under discussion other than those for which the Conference has been convoked, and that they can only consent to take part in the discussions on that condition.

Measures should now be taken for calling the Delegates together, and in the opinion of Her Majesty's Government it would be most convenient that this should be done by the Spanish Government with as little delay as possible. You will accordingly lose no time in informing the Spanish Minister of the favourable replies received from the several Governments, and suggest that he should at once take steps for convening the Conference.

You are already aware, by my despatch No. 46 of the 27th instant, that Her Majesty's Government think it preferable that the Delegates should not be chosen from the Representatives of the Powers accredited to Morocco who have taken part in the previous discussions on the subject. Her Majesty's Government think that the Spanish Government will concur in this view, and they would suggest that some intimation to this effect should accompany the invitations addressed by them to the other Powers. You are authorized at the same time to inform the Spanish Minister for Foreign Affairs that full powers will, therefore, be sent to you as the Delegate of the British Government.

As you are thoroughly conversant with all the points to be discussed, and of the views of Her Majesty's Government thereupon, which are fully embodied in the printed correspondence inclosed, it will be unnecessary for me to give you any special instructions for your guidance.

You will be careful to give your support to the policy which has been uniformly pursued by Sir J. D. Hay, and you will bear in mind that it is the desire of Her Majesty's Government that the Government of Morocco should be freed from all undue interference on the part of foreign Representatives, and that the pernicious system of granting foreign protection to the subjects of the Sultan, a system highly prejudicial to the financial prosperity of the State, should be curtailed as far as possible.

You will not fail to inform me of the date fixed for the meeting of the Conference, of the names of the President and other Delegates, and of its proceedings from time to time; and it will also be desirable that you should furnish Sir J. D. Hay with reports of what takes place at the several sittings, and should consult him upon any points upon which you think that his experience will be of use to you.

I am, &c.
(Signed) SALISBURY.

No. 65.

Mr. West to the Marquis of Salisbury.—(Received March 4.)

(No. 47.)

My Lord,

Madrid, March 1, 1880.

IN the course of conversation on the several topics which form the subject of my two preceding despatches, Señor Canovas asked me whether I could tell him what decision the French Government had come to with respect to the Conference which it was proposed should be held at Madrid for the consideration of the question of the protection afforded to Moorish subjects by the foreign Diplomatic and Consular Agents at Tangiers, and what further steps your Lordship proposed to take in the matter of the meeting of the Representatives of the Powers interested in this question. He was anxious, he said, that the project should succeed, more especially as he believed that all the other Powers, France excepted, had adhered to it in general terms; and he again expressed his decided opinion that the conference should be strictly limited to the interpretation of the Articles of the British and Spanish Treaties relative to foreign protection.

I told his Excellency that I could give him no positive information upon either point, but that I would report his wish to your Lordship.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 66.

Sir J. H. Drummond Hay to the Marquis of Salisbury.—(Received March 5.)

(No. 31. Confidential.)

My Lord,

Tangier, February 24, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 8, Confidential, of the 11th instant, transmitting a copy of a despatch from Lord Lyons reporting a conversation he had with the Spanish Ambassador regarding affairs in Morocco.

The Ambassador, Cid Aly Mesfeewy, returned here in the French iron-clad "Couronne" on the 12th instant. He informed me, confidentially, that there had been no question of entering into a Treaty or like engagement with the French Government. He stated that the Governor-General of Algeria, M. Albert Grevy, had complained of the depredations committed by Moorish tribes on French territory, and had declared that if they were not put a stop to an army would march across the frontier to punish the marauders.

M. Albert Grevy said that an expedition of scientific persons, who had been dispatched by the French Government to travel in the southern districts of Algeria and Morocco to collect information, had been impeded by Moorish tribes from continuing their journey, and he required that orders should be given by the Sultan to prevent such unfriendly acts.

Cid Aly Mesfeewy assured me that nothing further of consequence had passed between him and the French Government, but he avowed that he was very uneasy regarding their future relations with the Algerian authorities, after the strong language that had been held to him by M. Albert Grevy, and he seemed to think that, even if the frontier tribes of Morocco abstained from aggression, some plea would be found hereafter for encroachment on the Sultan's territory.

Cid Aly Mesfeewy requested me to keep secret that he had imparted to me any information regarding his late mission.

Cid Mohammed Bargash has also informed me that M. de Vernouillet has assumed of late a less friendly tone when discussing questions which arise from raids committed by Moorish tribes on the Algerian territory, though ever since the French took possession of that Colony, the tribes on both sides of the frontier have been in the habit of crossing it for predatory purposes.

I recommended both Cid Aly Mesfeewy and Cid Mohammed Bargash to urge the Sultan to do all in his power to repress acts of aggression on the Algerian territory, as I said they would give just grounds to the French Government to demand reparation.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 67.

Sir J. H. Drummond Hay to the Marquis of Salisbury.—(Received March 5.)

(No. 33.)

My Lord,

Tangier, February 25, 1880.

WITH reference to my despatch No. 13 of the 2nd February, inclosing the translation of a letter I had addressed the Sultan's Vizier regarding the murder and burning of a Jew at Fez, I have the honour to transmit the translation of the Vizier's reply, which I have just received.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 67.

Cid Mohammed Ben el Asbin el Mukhtar to Sir J. Drummond Hay.

(Translation.)

(After compliments.)

7 Roobee el Owel, 1297 (February 18, 1880).

WE have received your letter regarding the Jew who was murdered and burnt; and we have understood what you state, that you had heard that the Sultan had promised all the Jews that he would do justice in the matter, and that he would protect the lives and property of the Jews throughout his Empire; but that you had subsequently heard that which is contrary to this, viz., that the authors of this crime had not been seized, and that the persons arrested in the market-place had been set at liberty, and that the Jews were told that, in accordance with "shraa" (Mussulman law), they are not entitled to blood money.

We have taken note of all you state in a friendly and confidential way. We have also understood your suggestion, that this matter be speedily settled, that the criminals be arrested and punished and kept in prison, and that we arrange with the family of the deceased by means of a considerable sum of money, and give the Jews assurances of the safety of their lives and property; and that the governors of the towns and country be ordered to treat them well, and not permit any harm to be done to them.

We brought this to the knowledge of our Lord the Sultan, and His Majesty understood that in writing thus you were guided by the feelings of friendship and good-will that always animate you; and His Majesty was pleased with the advice you have given, and counts it with other counsels which you have always given for His Majesty's welfare, and he has ordered us to thank you much for it, which we now do by this letter.

You are aware that the facts of the case are, that a Mussulman of Aslad el Hadj, near Fez, came to the Thursday's market at Fez with his wife, and as they were returning home in the afternoon he remained behind to buy some dried fruit from the market at the gate of Sidi Bu Nafa, the woman going on by herself; a Jew in a state of intoxication assaulted her, saying that he was under protection. She cried out, and her husband came up and began to separate the Jew from her; upon this the Jew drew a pistol and fired at him, the bullet striking him on the forehead. He then struck him with a stone, which broke the bone of his forehead. The guards arrested them both, and took them before the Governor of the town, and the Jew was placed in prison. Another Jew who was with him commenced to blaspheme the religion and the Government, and took up an arm, and began to menace the people with it. A great crowd of common people and children collected against him, and the result was that the Jew was killed and burnt.

From this account we request you to consider which was the guilty party, the Jew or the Mussulman?

Immediately our Lord became acquainted with what had occurred,* he rose up and sat down, and gave orders that all who were present at the spot, whether belonging to the place or not, should be seized; but it was not known who were the guilty persons. And when the Jews knew that the fault was on their side, they sought for reconciliation; and when the signal for reconciliation appeared the prisoners were released. And the Governor of Fez was dismissed for his apathy and want of energy, and El Arbi Wuld Bu Mahommed esh-Shergui was appointed Governor in his stead. The Moor who was struck by the Jew died from his wounds, and a settlement was effected with the Jews for the blood of the Jew who was killed, and they gave an acquittance for it; but the matter of the Mussulman who was killed is still pending.

From this you will learn that we have protected the Jews, notwithstanding their unjust acts and their evil deeds, which brought this upon them. If it were not for these acts of theirs the affair would not have happened. Why did nothing of this kind happen in the time of our Lord, the deceased Sultan? No Jew was ever killed; they were not assaulted, or was any injustice done to them. Reflect upon the good conduct of their Mussulman neighbours, the Jews not numbering but one in ten of them, and yet only one Jew was killed in return for the Mussulman who was killed. And if it was not for the grace of God, and the presence of prudent persons, and the authorities, that might have happened which would have been irrevocable, for what the people say they do, and it is always that which is not good.

* Meaning that he was much agitated and displeased.—J. H. D. H.

Let the Jews fear God, and keep within bounds, and not bring unjust pretensions against the Mussulmans, but treat them well.

You, who for many years have been a minister in this country, are aware what was the state of the Jews formerly, and what it now is. Our Lord (the Sultan) will not permit injustice to be done to any one, especially to the Jews, concerning whom the law requires that they be not ill-treated, and that those who act unjustly towards them be punished. As to your suggestion, that we write to the Governors of the towns and country regarding the treatment of the Jews, we have already written to some of them, and will continue to write to others. Friendship and peace.

No. 68.

Sir A. Paget to the Marquis of Salisbury.—(Received March 5.)

(No. 82.)

My Lord,

Rome, March 2, 1880.

WITH reference to your Lordship's despatch No. 83 of the 27th ultimo, I have the honour to inform your Lordship that I have spoken to Count Maffei relative to the intention attributed to the Italian Government, in a paragraph of the "Times" of the 7th ultimo, of appointing M. Scovasso to attend the proposed Conference at Madrid, for the discussion of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects.

I acquainted him with the objections entertained by Her Majesty's Government to the appointment to this Conference of the same persons who had been engaged in the discussions on the same question at Tangier, stating that Her Majesty's Government intended to appoint Mr. West, Her Majesty's Minister at Madrid, to represent them on the occasion referred to, and that they would be glad to know that a similar course would be adopted by the other Powers concerned.

Count Maffei replied that he was at a loss to conceive where the information in the "Times" had come from, for, as far as he was aware, there had never been any intention of appointing M. Scovasso as the Representative of Italy at the proposed Conference at Madrid.

He entirely agreed in the objections entertained by Her Majesty's Government to the appointment of any one who had taken part in the previous discussions, and although no actual decision had yet been taken, he presumed that Count Greppi, the Italian Minister at Madrid, would naturally be named to represent the Italian Government at this Conference.

I have, &c.
(Signed) A. PAGET.

No. 69.

Sir C. Wyke to the Marquis of Salisbury.—(Received March 6.)

(No. 21.)

My Lord,

Copenhagen, March 3, 1880.

WITH reference to your Lordship's despatch marked No. 10 of the 27th ultimo, on the subject of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects, and the instructions therein contained, I have the honour herewith to transmit copy of a note I have this day addressed to Baron Rosenörn-Lehn, requesting him to inform me of the views entertained by the Danish Government on this question, which I hope will meet with your Lordship's approval.

I have, &c.
(Signed) CHARLES LENNOX WYKE.

Inclosure in No. 69.

Sir C. Wyke to Baron Rosenörn-Lehn.

(Confidential.)

M. le Baron,

Copenhagen, March 3, 1880.

WITH reference to former correspondence on the subject of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects, and to the proposed Conference at Madrid for the discussion of this question, Her Majesty's Government have learnt that the Italian Government intend to send as their Delegate on that occasion M. Scorasso, their Minister at Tangiers.

It seems to the Marquis of Salisbury but too probable that, if the different Powers who are interested in this question are to be represented by the same persons who have carried on the previous discussions at Tangiers without arriving at an agreement thereon, the whole object in transferring the consideration of the question to another locality would be rendered nugatory. His Lordship concurs with Sir John Hay in thinking that the best plan would be, should the proposed meeting at Madrid be carried out, that each of the Powers should designate as their Delegate their actual Representative in that capital, or some other person who, being unprejudiced by previous discussions and local influences, would be free to examine the question in all its bearings in an impartial spirit.

I have been desired, therefore, to express these views confidentially to the King's Government, stating at the same time that that of Her Majesty propose to nominate Mr. West, our Minister in Spain, as their Delegate, and they would be glad to know that a similar course recommends itself to the other Powers concerned.

Trusting that your Excellency will favour me at an early date with the views of the Danish Government with regard to this question, I avail myself, &c.

(Signed) C. LENNOX WYKE.

No. 70.

Mr. Fenton to the Marquis of Salisbury.—(Received March 6.)

(No. 23.)

My Lord,

The Hague, March 5, 1880.

I HAD the honour to receive on the 2nd instant your Lordship's despatch No. 12 of the 27th ultimo (addressed to Mr. Stuart), on the subject of the irregular protection afforded by foreign Representatives in Morocco to Moorish subjects, and the proposed meeting of Delegates at Madrid for the discussion of that question; and in accordance with your Lordship's instructions I took the earliest opportunity of communicating confidentially to the Netherlands Minister for Foreign Affairs the views expressed by your Lordship as to the best mode of dealing with the question of the appointment of Delegates to the proposed meeting, should it be carried out, and I stated to his Excellency that your Lordship, in directing me to make this confidential communication to him, had instructed me to say that Her Majesty's Government proposed to nominate Mr. West, Her Majesty's Minister, as their Delegate to the Conference, and that they would be glad to learn that a similar course recommended itself to the Government of the Netherlands.

Baron Lynden said, in reply to this communication, that he quite agreed in the views taken by your Lordship on the subject in question, that he authorized me to state this to your Lordship, and to add that, in the event of the proposed meeting at Madrid being carried out, the Netherlands Government would be prepared to nominate the Dutch Minister in that capital as their Delegate to it.

I have, &c.
(Signed) H. P. FENTON.

No. 71.

Lord Odo Russell to the Marquis of Salisbury.—(Received March 8.)

(No. 112.)

My Lord,

Berlin, March 6, 1880.

WITH reference to my despatch No. 561, Confidential, of the 22nd November last, and to your Lordship's despatch No. 78 of the 27th ultimo, I have the honour to

state that, in reply to my communication to Herr von Philipsborn, informing him of the course therein suggested by your Lordship in regard to the meeting in Madrid for regulating the irregular protection of Moorish subjects by foreign Diplomatic and Consular Agents in Morocco, I have received the answer, copy and translation of which I have the honour to inclose.

Your Lordship will perceive, therefore, that the German Government entirely share the opinion of Her Majesty's Government on the subject, and have the intention of appointing their Minister in Madrid to represent Germany in the event of its being decided that the Conference should be held in that capital.

I have, &c.
(Signed) ODO RUSSELL.

Inclosure in No. 71.

Herr von Philipsborn to Lord Odo Russell.

(Translation.)

(Confidential.)

Foreign Office, Berlin, March 5, 1880.

THE Undersigned, having informed himself of the contents of the memorandum communicated to him yesterday, respecting the Conference to be held at Madrid for the settlement of the question of foreign protection in Morocco, has the honour to inform his Excellency Lord Odo Russell that the Imperial Government fully concurs in all the points of view presented in this memorandum. On their part they have especially the intention, when the invitation to take part in this Conference has been received, to intrust the representation of the German Empire to the Imperial Envoy at the Spanish Court.

The Undersigned, &c.

(Signed) PHILIPSBORN.

No. 72.

Mr. West to the Marquis of Salisbury.—(Received March 9.)

(No. 48.)

My Lord,

Madrid, March 6, 1880.

WITH reference to your Lordship's despatch No. 46 of the 27th ultimo, I have the honour to inform your Lordship that, having expressed confidentially to Señor Canovas the views of Her Majesty's Government respecting the appointment of the Delegates to the proposed Conference on the question of the protection afforded by the foreign Representatives at Tangiers to Moorish subjects, as set forth in that despatch, his Excellency begged me to state to your Lordship that he entirely concurred with them, and should confidentially use language to the same effect.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 73.

The Marquis of Salisbury to Mr. West.

(No. 52.)

Sir,

Foreign Office, March 9, 1880.

WITH reference to your despatches Nos. 189, Confidential, and 253 of last year, and Nos. 34, 37, and 47 of this year, relative to the proposed Conference at Madrid upon the subject of irregular protection in Morocco, I transmit herewith, for your information, copies in duplicate of the general Treaty between Her Majesty and the Sultan of Morocco of the 9th December, 1856, and of the Treaty of Commerce and Navigation between Spain and Morocco, signed on the 20th November, 1861.

In forwarding copies of these Treaties to Her Majesty's Minister at Tangier, I have requested him to point out to me the particular clauses in each which bear upon the subject about to be submitted for discussion, accompanied by any remarks he may have to offer upon these Treaties, or any others, should they exist, relating thereto, and at the same time he has been instructed to furnish you with a copy of his despatch.

I am, &c.
(Signed) SALISBURY.

The Marquis of Salisbury to Sir J. Drummond Hay.

(No. 26.)

Sir,

Foreign Office, March 9, 1880.

WITH reference to the Conference which it is proposed shall meet at Madrid in order to discuss the question of irregular protection of Moorish subjects by Diplomatic and Consular officers, and more especially to Mr. West's despatches Nos. 189, Confidential, and 253 of last year, and Nos. 34, 37, and 47 of this year, copies of which have been furnished to you, I now forward, for your information, copies of the General Treaty between this country and Morocco of the 9th December, 1856, and of the Treaty of Commerce and Navigation between Spain and Morocco of the 20th November, 1861.

I request that you will have the goodness to point out to me the particular clauses in both these Treaties which bear upon the subject about to be submitted for discussion, accompanied by any observations you may desire to make on these or other Treaties, if any, relating thereto, and that you will at the same time furnish Her Majesty's Minister at Madrid with a copy of your despatch.

I am, &c.
(Signed) SALISBURY.

Lord Lyons to the Marquis of Salisbury.—(Received March 11.)

(No. 202.)

My Lord,

Paris, March 10, 1880.

I SPOKE this afternoon to M. de Freycinet in the terms of your Lordship's despatch No. 194 of the 27th ultimo, as to the selection of Representatives of the several Powers to take part in the Conference at Madrid on the subject of the irregular protection given to Moorish subjects by the foreign Diplomatic and Consular Agents in Morocco.

M. de Freycinet said that the French Government entirely agreed with your Lordship on the subject. They were undoubtedly of opinion that the object of the Conference would be entirely frustrated if the Powers were represented in it by their Agents in Morocco who had already been mixed up with the question there. He could not say positively that France would be represented by the French resident Ambassador at Madrid, but her Representative would certainly be a person who had not taken part in the discussions which had already been carried on in Morocco.

I have, &c.
(Signed) LYONS.

Count Károlyi to the Marquis of Salisbury.—(Received March 11.)

Dear Lord Salisbury,

Belgrave Square, March 6, 1880.

BARON HAYMERLE desires me to inform him as soon as possible about the course Her Majesty's Government intend to pursue in view of the settlement of the difficulties which have arisen in Morocco on the question of the Consular jurisdiction.

The question was stated in detail in a *Pro-memoria* in date of 19th January, which I had the honour to remit to you personally.

I should feel much obliged if you would favour me, at your earliest convenience, with the answer to be given to my Government.

Most sincerely yours,
(Signed) KÁROLYI.

Memorandum communicated to Marquis of Salisbury by Mr. Löwy, March 11.

ALL Ministers, Consuls, and Consular Agents in Morocco grant protection to the native members (Jewish or Mahommedan) of their households from the Dragoman down to the simplest menial.

All native employés of European residents in the country enjoy similar protection.

Unprotected Jews of whatever rank, from the highest to the lowest, are considered fair objects for ill-treatment and insult by all classes of Moors in Morocco.

Moorish children, as well as adults, are prone to insult, and strike Jews of all ages in the streets in open daylight.

In Christian countries, where intolerance reigns, it is generally the civil law which places the Jew under disabilities, and there is the hope that, as such countries become more civilized, these civil laws will be abolished, and equality for all creeds before the law established.

In Mahommedan countries it is different; it is not the civil law, it is the religious law which enacts that the testimony of Jew or infidel shall not be accepted if opposed to the testimony of a Mahommedan, and it is to be feared that wherever Mahommedan rule exists such law will remain immutable.

So far as regards the Christian in Morocco this law is powerless; all Europeans, whatever be their station, high or low, are perfectly assured of all their rights, liberties, and privileges in Morocco, and, in fact, they inspire the Moors with a wholesome dread.

It is satisfactory to those who have witnessed the sufferings of the Jews to see the abject terror in which the Mahommedan stands with regard to the European, of the consternation caused among them by the mere appearance off their coasts of a European vessel of war.

Happy is the Mahommedan who escapes oppression at the hands of the European.

Does a Mahommedan so far forget himself as to strike or annoy a European, he is forthwith summoned before the Governor and severely punished.

Does a Moorish debtor endeavour to evade payment of his debts to a European, he is imprisoned even for years until the debt is paid; and should the debtor live in the interior of the country, he is brought to the seaport to satisfy his European creditor. If a Moor insult or strike the Moorish or Jewish servant of a European resident, he receives immediate punishment at the hands of the Governor.

This very limited amount of protection to the native servants of European residents has in itself a most salutary effect; the difficulty of distinguishing in the streets the unprotected from the protected Jews is sufficient to insure to nearly the whole Jewish population of a town an immunity from molestation.

Contrast the position of the unprotected wealthy Jewish merchant with that of the poor Jewish Consular servant over whom the ægis of protection is held; this latter walks along in the conscious enjoyment of liberty, of freedom from insult and oppression; his testimony in a court of law is received on an equal footing with the testimony of a Mahommedan—in short, he feels that he is a free man. The wealthy Jew, on the other hand, even if one of the heads of the congregation, walks stealthily along the streets with crouching gait, for he feels that he is open to insult and contumely, liable to be constantly plundered by his Mahommedan debtors, and he knows that his testimony will not be accepted in a court of law.

Human nature is human nature, and it is no wonder that the well-to-do Jews of Morocco eagerly seek foreign protection. It is not for any undue privileges that protection is sought; it is sought for the purpose of breathing the fresh air of liberty, and of being placed on an equality with their fellow men.

Mahommedan merchants are likewise anxious to obtain European protection; in their case, however, it is for commercial advantages alone; they labour under no religious disabilities.

It is true that in some European countries the Jews have been ill-treated, and the remonstrances of the more civilized Powers, with a view to their better treatment, have proved futile, and all intervention has been actually resented; but in such countries there is always the hope that things will mend in the course of time. In Morocco, however, there is no hope of improvement so long as the present religious law remain in force.

In Morocco the Representatives of European Powers can exercise that particular influence for protecting the oppressed Jews which they could not expect to possess elsewhere. Is that influence now to cease? Is the Jew, after having been protected successfully for many years, now to be abandoned to the tender mercies of the Moor?

It were better far if the Jew had never known the enjoyment of liberty; better far if he had never been rescued from the persecution of the Moor, if he is now to be handed back to the vengeance of his uncivilized oppressor.

The Moors are anxiously awaiting the final decision whereby the European and American Governments will unanimously withdraw their protection from the Jews throughout the Empire, and they do not conceal their impatience, for during the late outrages in Fez, although as yet only one European Representative has withdrawn protection, the exulting cry of the Moors against the Jews was, that the Christians had deserted them.

A European traveller visiting Morocco once witnessed in a synagogue a number of Jewish poor filing past the congregants receiving alms, and in their midst was an insolent Mahomedan demanding his share with the rest; the congregants were too much afraid to refuse him; when, however, the intruder observed that a European was present he beat a hasty retreat. This in a country where it is almost death for a Christian or Jew to enter a mosque.

There are numberless instances of arbitrary proceedings on the part of the Moorish authorities. As an instance, it may be mentioned that when uniforms have to be made for the soldiery a raid is made into the Jews' town or "Mellah" for all Jewish women. These are compelled to proceed to the Government store and work up such uniforms day after day, without receiving any remuneration whatever. On one occasion a woman, for refusing to do such work, was severely flogged in the presence of the Governor of the town.

It may be true that protection sometimes leads to a few abuses, but these are infinitely counterbalanced by the manifold advantages which accrue to an unoffending and useful portion of the inhabitants of Morocco, and the door is left open to the extension of those civilizing and beneficent influences by which the Moorish Empire may eventually be redeemed from its present unhappy condition.

There appears to be no need for any other precautionary measure than the one of warning the Jews that, in the event of their abusing the privileges which they have hitherto enjoyed, their conduct will be the subject of a searching investigation before a mixed Consular Court, and if they be found guilty, the delinquents will immediately forfeit their privilege of protection.

To sum up the foregoing remarks, it should be observed that if protection be withdrawn from the Jew in Morocco he will be insulted, beaten, and robbed, forced to walk barefooted before the mosques, and in such other portions of towns as are considered sacred. He will be subject to endless indignities and acts of injustice and oppression.

In the end the wealthy few will migrate to Algeria and Europe, leaving behind them hundreds of thousands of their poorer brethren to battle for themselves against the countless miseries inflicted by their tyrannical masters.

No. 78.

Mr. West to the Marquis of Salisbury.—(Received March 15.)

(No. 53.)

My Lord,

Madrid, March 12, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 47, of the 1st instant, conveying to me the information that Her Majesty's Government have received replies from all the Powers concerned to the proposal to hold a Conference at Madrid on the subject of the irregular protection afforded to Moorish subjects in Morocco by Diplomatic and Consular Officers.

I lost no time in communicating this information to Señor Canovas del Castillo, and suggested that his Excellency should at once take steps for calling the Delegates together, and convening the Conference. I informed him at the same time that full powers would be sent to me as the Delegate of the British Government. Señor Canovas said that he would immediately formulate the invitations to the several Governments, and he agreed that it was expedient to intimate in them that the Delegates should not be chosen from the Representatives of the Powers accredited to Morocco, and that no

other subjects should be brought under discussion other than those for which the Conference was convoked.

He would, he said, submit to me for approval the form of invitation.

Señor Canovas then remarked that he felt himself in a difficult position as regarded the Russian Representative, who would, by the proposed arrangements, be excluded from the Conference as a non-interested party, and he begged me to convey to your Lordship his personal opinion that the Russian Government ought to be associated with the other European Powers in this question, and he was desirous to know the views of Her Majesty's Government on this subject. His Excellency said that he feared there would be some delay caused to the meeting of the Conference by the length of time required for the transmission of the full powers of the Brazilian and United States Delegates.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 79.

M. d'Antas to the Marquis of Salisbury.—(Received March 19.)

Londres, le 16 Mars, 1880.

LE Ministre de Portugal à Madrid a appelé l'attention du Gouvernement de Sa Majesté Très-Fidèle sur le projet d'une Conférence qui, à l'initiative du Gouvernement de Sa Majesté Britannique, se réunirait pour régler l'exercice du droit de protection accordé, dans l'Empire du Maroc, par quelques Puissances à des sujets Marocains.

Le Chargé d'Affaires de Portugal à Tanger a donné connaissance au Gouvernement de Sa Majesté Très-Fidèle d'une note par laquelle le Gouvernement du Maroc lui notifiait, en confirmation des déclarations antérieures, qu'il avait résolu de ne pas consentir que des sujets Marocains ayant acquis des titres de nationalité fussent protégés par des Gouvernements étrangers.

Le Chargé d'Affaires de Portugal a protesté contre ce procédé, en raison des pertes et des dommages que pourraient subir les individus dont il s'agit, qui se trouveraient sans protection, dans le cas où la résolution notifiée serait mise en pratique.

Le Chargé d'Affaires de France a suivi l'exemple du Chargé d'Affaires de Portugal, et celui des Etats-Unis paraît disposé et en faire autant.

Les Ministres de la Grande Bretagne et d'Espagne semblent d'un commun accord avoir accepté la résolution notifiée par le Gouvernement Marocain. Les Représentants des autres Puissances, peu ou pas intéressés dans la question, ont agi de la même façon. On ignore ce que fera le Ministre d'Italie, qui se trouve absent.

Le Gouvernement de Sa Majesté Très-Fidèle voulant procéder avec la plus grande circonspection dans cette affaire, désirerait connaître les dispositions du Gouvernement de Sa Majesté Britannique par rapport à la protection dans le Maroc, et savoir si, toujours persuadé de l'utilité de la Conférence que l'on a en vue, il croit devoir ajourner toute résolution jusqu'à la réunion de la dite Conférence, dans laquelle on pourrait convenir d'une action en commun de toutes les Puissances ou des garanties qui devraient être stipulées en faveur des Chrétiens et des Juifs résidant dans l'Empire du Maroc.

M. d'Antas serait très-reconnaissant à M. le Marquis de Salisbury si son Excellence voulait bien avoir l'extrême bonté de le mettre à même de satisfaire aux désirs du Gouvernement de Sa Majesté Très-Fidèle, et il saisit, &c.

No. 80.

Mr. Morier to the Marquis of Salisbury.—(Received March 17.)

(No. 12. Confidential.)

My Lord,

Lisbon, March 12, 1880.

UPON the receipt of your Lordship's despatches No. 15 and 16, General Series, of the 27th February and 5th March, respectively, with reference to the proposed meeting of Delegates at Madrid in the matter of the Moorish grievances, I addressed

to Señor Braamcamp the Confidential note of which I have the honour to inclose a copy herewith. I at the same time took occasion to transmit to him the *procès-verbaux* of the meetings of the foreign Representatives held at Tangier during the course of 1879, transmitted in your Lordship's No. 29 of the 7th October, and the memorandum of Sir Drummond Hay's conversation with Dr. Löwy respecting protection of the Jewish subjects of the Sultan, transmitted in your Lordship's despatch No. 32 of the 22nd November.

From the latter I omitted the last paragraph at p. 22, which has special reference to the doings of M. Scovasso, as, owing to the intimate relations between the Italian and Portuguese Courts, I thought it as well not to place on record the view taken by Her Majesty's Minister at Tangier of the proceedings of his Italian colleague.

I read portions of these documents to Señor Braamcamp at the time I received them, but knowing the inveterate habit of the Portuguese Foreign Office to lose or mislay all papers that find their way there after a very brief space of time, I thought it better to withhold them until the meeting at Madrid was immediately impending in order to give them some chance of finding their way into the hands of the Portuguese Delegate at Madrid.

With reference to the question of naturalization, I do not think there is much hope of the Portuguese Government giving up the attitude assumed by their Representative at Tangier, as this is a question of a kind which Portuguese patriotism likes to vent itself upon, whilst the fees bring in something to their exhausted Exchequer. But it appears to me that the Moorish Government have it in their own hands to remedy the evil. Were they, for instance, to enact municipally that no subject of the Sultan could divest himself of his allegiance otherwise than after the fulfilment of certain formalities before Moorish officials, whether in or out of Morocco, and that a Moorish subject returning to his country within, say, ten years, of his having naturalized himself elsewhere, without having fulfilled these formalities, would not only be considered in every respect in Morocco as a Moorish subject, but be liable to a penalty for having transgressed the law, the question would fall to the ground. The law and the formalities required under it would be communicated to the Powers, who would thus be amply forewarned that a Moorish subject who, on seeking naturalization in a foreign country, could not produce a certificate of these formalities having been fulfilled, would, on his return to Morocco, revert, *ipso facto*, to his former allegiance.

I have, &c.

(Signed) R. B. D. MORIER.

Inclosure in No. 80.

Mr. Morier to Senhor Braamcamp.

(Confidential.)

M. le Ministre,

Lisbon, March 11, 1880.

YOUR Excellency will remember that early last November I informed you that Her Majesty's Government, in view of the difficulties which had arisen at Tangier in the negotiations between the Moorish Government and the Foreign Representatives on the subject of the irregular protection afforded to Moorish subjects by Diplomatic and Consular Officers, considered that the best prospect of a solution of the question lay in its reference to a meeting of Representatives at some foreign Court, in which the Moorish Government might be represented by a Delegate or Delegates deputed for that purpose, and suggested that the best place for such a meeting would be Madrid; I added that I was instructed to inquire whether His Most Faithful Majesty's Government would be ready to take part in a meeting such as that proposed.

Your Excellency was good enough to authorize me to state that the King's Government assented without hesitation to the proposal of Her Majesty's Government, and would be ready, if the case arose, to take part in a meeting of Representatives at Madrid.

I have now the honour to inform you that Her Majesty's Government having received similar replies from the other Governments concerned, have invited the Government of His Catholic Majesty to convoke the meeting.

Her Majesty's Government at the same time desire me once more to request your Excellency's attention to the reasons which have induced them to engage the Powers to remove the seat of negotiations from Tangier to Madrid. They were to the effect that these negotiations having now been carried on for some years without leading to any definite result, although the Powers amongst themselves were agreed on the

principle of assenting to the greater part of the demands put forward by the Moorish Government, the necessity had clearly arisen of removing the discussion from the hands of those who had hitherto conducted it, and of thus getting rid of difficulties which owed their origin mainly to personal feelings and individual opinions. Accordingly it stands to reason that, if the Powers interested in the question were to be represented at Madrid by the same persons who have carried on the previous discussions at Tangier, the whole object in transferring the consideration of the question to another locality would be rendered nugatory. Her Majesty's Government are therefore of opinion that each of the Powers should designate as their Delegate their actual Representative at Madrid, or some other person, who, being unprejudiced by previous discussion and local influence, would be free to examine the question in all its bearings in an impartial spirit.

In expressing these views confidentially to your Excellency, I am instructed to state that Her Majesty's Government propose to nominate Mr. West, Her Majesty's Minister at Madrid, as their Delegate, and that they would be glad to know that a similar course recommended itself to the Government of His Most Faithful Majesty.

As bearing on an important feature of the question—that of the irregular protection accorded to the Jewish subjects of the Sultan—I inclose for your Excellency's confidential information the copy of a memorandum of the language held to Sir J. H. Drummond Hay, Her Majesty's Minister at Tangier, by the Rev. A. Löwy, Secretary of the Anglo-Jewish Association, and of Sir Drummond Hay's replies. The arguments used by Sir Drummond Hay, whose intimate knowledge of Morocco is based on an experience of thirty-five years passed as Her Majesty's Representative in that country will, I cannot doubt, convince your Excellency that, by severally giving up a protection now irregularly exercised on behalf of a limited number of wealthy Jews, the Representatives of the Powers will obtain means of acting collectively on behalf of the numerous Jewish community in Morocco, rich and poor alike, from which they are at present debarred by the invidious claim put forward by some of their number to exercise a privilege to which they are entitled neither by Treaty nor by public law.

I avail, &c.

(Signed) R. B. D. MORIER.

P.S.—I also inclose, for your Excellency's information, a copy of the *procès-verbaux* of the meetings held by the foreign Representatives at Tangier during the course of last year.

R. B. D. M.

No. 81.

Sir C. Wyke to the Marquis of Salisbury.—(Received March 19.)

(No. 27.)

My Lord,

Copenhagen, March 16, 1880.

WITH reference to previous correspondence on the subject of the irregular protection afforded by foreign Agents in Morocco to the subjects of the Sultan, I have the honour herewith to transmit copy of a note from Baron Rosenörn-Lehn, by which your Lordship will perceive that the Danish Government entirely concur with that of Her Majesty in thinking that the inquiry into this matter should be carried on by different persons from those who have already examined it at Tangier, and that, consequently, the Powers interested in it should be represented in the forthcoming Conference at Madrid by their Representatives at the Spanish Court.

As, however, the Government of the King has no Diplomatic Agent there, they will not be able to be represented at the said Conference, unless Her Majesty's Government would allow our Minister at Madrid to take charge of Danish interests on that occasion.

Sir J. Drummond Hay has already represented them in this affair at Tangier, and the line of conduct he has adopted has met in all respects with the approbation of the Danish Government.

Under these circumstances, Baron Rosenörn-Lehn hopes that your Lordship will

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allow Mr. West to act for them in this matter, and he has already instructed the Danish Minister in London to submit this request to your favourable consideration.

I have, &c.
(Signed) CHARLES LENNOX WYKE.

Inclosure in No. 81.

Baron Rosenörn-Lehn to Sir C. Wyke.

M. le Chevalier, Copenhagen, le 15 Mars, 1880.
J'AI l'honneur de vous accuser réception de la note que vous avez bien voulu m'adresser le 3 courant, relativement à la Commission Internationale qui doit se réunir à Madrid pour régler la question de la protection irrégulière accordée par les Représentants des Puissances étrangères au Maroc aux sujets du Sultan.

En réponse à cette communication, je m'empresse de vous informer que le Gouvernement du Roi ne peut qu'approuver la proposition de M. le Marquis de Salisbury que cette question soit traitée dans la nouvelle Commission par d'autres personnes que celles qui s'en sont déjà occupées à Tanger, et que par conséquent les Puissances intéressées se fassent représenter par leurs Ministres respectifs à Madrid.

Mais, tout en approuvant pleinement cette proposition en principe, le Gouvernement du Roi se trouve dans une grande difficulté pour la mettre en pratique pour sa part, car il n'a pas pour le moment de Représentant à Madrid, et les intérêts Danois au Maroc ont trop peu d'importance pour justifier l'envoi d'un Délégué spécial.

Dans ces circonstances nous devons renoncer à être représentés dans la Commission qui va se réunir à Madrid, et nous réserver la faculté d'adhérer plus tard au résultat auquel aboutiront ces délibérations, à moins que votre Gouvernement ne veuille permettre à son Représentant de se charger en même temps de nos intérêts dans cette affaire.

Comme vous le savez, Monsieur, Sir Drummond Hay les a également représentés en première instance à Tanger, et les vues qu'il a fait valoir dans la question, d'ordre de votre Gouvernement, ont en tout point rencontré l'approbation du Gouvernement du Roi.

Peut-être M. le Marquis de Salisbury trouvera-t-il dans ces considérations des motifs suffisants pour autoriser Mr. West à représenter également le Danemark dans la Commission; et j'ai écrit dans ce sens au Ministre du Roi à Londres, en l'invitant à soumettre cette combinaison au Gouvernement de Sa Majesté Britannique.

Je saisis, &c.
(Signé) ROSENÖRN-LEHN.

No. 82.

The Marquis of Salisbury to Sir C. Wyke.

(No. 15.)

Sir,

Foreign Office, March 20, 1880.

IN reply to your despatch No. 27 of the 16th instant, I have to instruct you to express to the Danish Minister for Foreign Affairs the satisfaction with which Her Majesty's Government have learnt that the Danish Government approve the idea of the discussion of the question of the protection of foreign subjects in Morocco by the Representatives at Madrid of the Powers interested. I shall readily accede to the suggestion that Mr. West, Her Majesty's Minister at Madrid, shall represent the Danish Government if the Conference takes place, and will send instructions to him in that sense.

I am, &c.
(Signed) SALISBURY.

No. 83.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received March 22.)

(No. 44.)

My Lord,

Tangier, March 16, 1880.

WITH reference to despatch No. 50 of the 28th July of last year, which I had the honour of addressing your Lordship, transmitting a translation of the *procès-verbal* of a meeting of the foreign Representatives held at the residence of Cid Mohamed Bargash on the subject of irregular protection afforded to Moorish subjects by Diplomatic and Consular officers, I have the honour to inclose a memorandum, containing some further comments, I have prepared upon this subject, which may perhaps be found useful for reference by Her Majesty's Delegate in the discussion of this question at the Conference to be held at Madrid.

I think it is probable that some of the foreign Delegates may be instructed to point to the misgovernment which prevails throughout Morocco, and to the arbitrary acts of Moorish Governors, which they may declare render the continuance or even extension of irregular protection necessary, both with the view of safeguarding trade, and also to mitigate the oppression suffered by the Jewish subjects of the Sultan.

In meetings of the foreign Representatives at Tangier, I was the first to acknowledge that the form of Government in Morocco is one of the worst in the world, but I maintain that irregular protection, as at present afforded, in direct contravention of Treaty engagement, is not a remedy for misgovernment.*

It is a remarkable fact that irregular protection has been chiefly extended by those Diplomatic and Consular officers who have little or no trade with Morocco, nor even subjects of their Governments residing in this country, such as the Italian, United States, and Portuguese. It is a question to be asked—how has this come to pass?

Great Britain has the largest trade with Morocco, yet there are no Moorish subjects protected who are not in the service of Her Majesty's Government, or of British Diplomatic or Consular officers, in accordance with Treaty stipulations. Therefore the abolition of irregular protection will not necessitate, on my part, the withdrawal of protection from any Jewish or Mahommedan subject of the Sultan, or alter my conduct in using good offices with the view of obtaining redress from the Government when cases of tyranny are brought under my notice.

If protection is to be the remedy for preventing the oppression of the Jewish population, it may be asked, what number are to be protected?

At present there may be about 1,000 of the wealthiest Jews, including their families, who are protected. There remain about 180,000 persons of the Hebrew faith unprotected, who, far from deriving any advantage from the irregular protection that has been afforded to their brethren, suffer persecution at the hands of the Moorish Government and Mahommedans in general, as the latter, from feelings of irritation produced by the arrogant conduct of some protected Jews, take every opportunity of marking their resentment upon the unprotected.

In the journals of Europe narratives are published of the murders or other cruel treatment of the Jewish subjects of the Sultan, and the Israelite Associations in London and Paris have frequently urged the British and French Governments to use their good offices in behalf of their suffering co-religionists; but no humanitarian has yet raised his voice in behalf of the Mahommedan rural population, who are even more cruelly oppressed and ill-treated by Governors and Sheikhs than their Jewish fellow-subjects.

Murders among Mahommedans are most frequent, and yet I do not remember during the last thirty years a single case where a Mahommedan has suffered death for the murder of a co-religionist.

If the plea for affording irregular protection to the Jews is put forward on account of misgovernment and cruelty of Moorish authorities, why should the hard fate of the Mahommedans be utterly disregarded because there is no Association in Europe, as in the case of the Jews, to plead for the intervention of the civilized world?

If irregular protection is the sole remedy for Moorish misgovernment, it may be asked of the partisans of such a system, what number of the population do they sup-

* See Sir J. Drummond Hay's Address to the foreign Representatives in the *procès-verbal* inclosed in Sir J. Drummond Hay's despatch No. 23 of the 26th February 1879.

pose can be protected and withdrawn from the jurisdiction of the Governors and Cadis without destroying the authority of the Sultan.

The vicinity of Morocco to Europe, the extent of its territory, rich soil, fine climate, and the intelligent races who inhabit it, and especially the fact of the northern coast forming one side of the straits which lead to the Mediterranean, ought to suffice to awaken a deep interest on the part of all civilized Governments in its independence, prosperity, and destiny.

The only remedy that I know of for the present state of misgovernment is that the Representatives of friendly Powers should take every opportunity of urging the Sultan to introduce, gradually, reforms in the present system which may tend to put a stop to the cruel tyranny and extortion practised by Governors towards both his Mahomedan and Jewish subjects, and to point out to His Majesty, in friendly language, that if this state of affairs continues, it must, sooner or later, end in a catastrophe which will be fatal to his dynasty.

On my approaching visit to the Moorish Court at Fez it is my intention to urge these matters upon the serious consideration of the Sultan.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 83.

Remarks of Sir J. Drummond Hay upon the Procès-Verbaux regarding Protection in the Printed Papers of October 1879.—(See Sir J. Drummond Hay's No. 50, July 28, 1879.)

Demands of the Moorish Government.

DEMAND No. 1 of the Moorish Government was accepted by all the foreign Representatives.* The acceptance of this demand is important, for the Representatives have thereby agreed that protection is to be regulated by the Special Articles of the British and Spanish Treaties and the French Agreement of 1863. The latter is not a Treaty or Convention, but merely an Agreement signed by the French and some of the other Representatives and the Moorish Government.

When objections were raised to the continuance of that Agreement, M. de Vernouillet, the French Minister, said, at a meeting on the 27th March, 1879, "S'il convenait au Gouvernement Marocain de se délier par lui-même des engagements qu'il a pris en 1863 avec la France, qu'il le dise. Il peut le faire."†

The language held by Cid Mohammed Bargash regarding the "semsars," or agents of merchants, at the meeting of the foreign Representatives on the 19th July, 1879,‡ is equivalent to a declaration that the Agreement of 1863 cannot continue in force; he objected even to the modifications proposed by myself regarding the treatment of agents.§

(Nos. 3 and 4.) The Moorish Government might make an exception, and allow the "gawass," or guard of a Consular Agent, who is a Moorish subject, to be placed under the Consular Agent's protection and jurisdiction, as the gawass is required to guard his domicile, and to carry out his orders in arresting a subject of the nation he represents who might be guilty of a crime or misdemeanour.

Questions on this subject, however, would be obviated if the foreign Representatives were instructed to select their Consular Agents from the Europeans who reside at the Moorish ports, instead of appointing natives, especially Jews, who, not being themselves respected by the Mahomedans, are unfit to protect foreign subjects.

(Nos. 5 and 6.) These clauses were accepted.

(No. 7.) The request of Cid Mohammed Bargash appears to be very reasonable.¶ The present French Interpreter, M. Benshimol, is not likely to have children, and the clause in his favour in the French Agreement of 1863 has caused other Representatives to demand similar concessions. If the thirteen Governments who have Representatives claimed the same privileges¶ for their Interpreters and families, and, on the death of each interpreter, appointed some other Moorish subject, for whom the same privileges

* See Confidential Paper No. 3972, p. 4. † Ibid., p. 25. ‡ Ibid., p. 16.
§ Ibid., pp. 16 and 17. ¶ Ibid., p. 16. ¶ Hereditary protection.

would be claimed, the majority of the respectable Hebrew population at Tangier would, in another thirty years, cease to be subjects of the Sultan.

(Nos. 8 and 9.) It is to be observed, with reference to these demands regarding the delivery of lists of protected subjects to the Moorish Minister for Foreign Affairs, that the foreign Representatives had agreed to present them according to a form which the German Minister had at their request prepared,* and yet, up to this date, I am informed by Cid Mohammed Bargash that no lists drawn up in accordance with this form or with the engagements entered into during the conferences, up to July 1879, have been presented, except those of Germany and of the Governments I represent.†

If the Representatives at Tangier are as lax in observing the regulations which may be agreed upon at Madrid as they generally are in observing the engagements which they have entered into at Tangier, no beneficial results will be ultimately obtained.

(Nos. 10, 11, 12, 13, and 14.) These clauses were accepted with slight modifications.

(Nos. 15 and 16.) On reference to pp. 21 and 22 of the printed copies of the *procès-verbaux*, there will be found the arguments I have put forward against the selection of wealthy farmers or other persons dwelling in the interior as the semsars, or agents of merchants, and my remarks, together with explanations why it is desirable that these agents should be selected from inhabitants of the ports, and be subjected to the jurisdiction of the authorities at the ports, a Consular officer being present at the Tribunals to watch proceedings.

It will be observed that, after hearing the objections raised by Cid Mohammed Bargash to the Regulations which I had proposed should be substituted for the Agreement of 1863 regarding commercial agents, I withdrew them on the condition that others should be framed which would safeguard the interests of commerce.‡ I am, however, still of opinion that Regulations of a character similar to those I proposed should be framed, and that they will suffice to insure the commercial agents from the arbitrary action of Governors in the interior if a Sherifian Edict is issued to the effect that Governors or Sheikhs cannot confiscate or even touch merchandize or live stock in the hands of commercial agents, that they can levy no fines nor extort money from agents who they may arrest, under any pretext whatsoever, and if they arrest agents without sufficient grounds they will be punished by the Sultan. Should a Governor or Sheikh disobey the Royal Edict, and the foreign Representatives insisted that the Sultan should make an example of the offender, I feel confident that trade would be safeguarded, as it was thirty years ago, before the system of protected semsars was introduced, and that the abuses complained of by Cid Mohammed Bargash would be prevented.§

I annex a copy of Article IV of the Convention between Great Britain and Morocco of 1856, which refers to agents.

For the interests of trade in general I have recommended that the Sultan be urged to extend to the agents of native merchants the same privileges as those ceded to foreigners, so that all traders may be placed on the same footing.

In the 3rd Article of the Regulations I had proposed regarding agents,|| I would suggest, with a view of meeting the wishes of Cid Mohammed Bargash, that the paragraph "ni de se mêler de leurs affaires" be suppressed, and that this Article should be altered as follows:—

"Si un agent est accusé d'un crime ou autre offense contre la loi, aucune peine ou amende ne lui sera infligée par l'autorité de l'intérieur, qui l'aura arrêté."¶

In the arguments put forward by the French Minister in favour of exempting the native agents of French merchants from arrest or jurisdiction of Moorish authorities, he says that he looks to the interests of trade rather than to the administration of the Government of the country;¶ but M. de Vernouillet appears to have forgotten that, when the numerous agents of merchants of all nations, selected from the wealthiest farmers, are exempted from arrest or the jurisdiction of the authorities, the government of the country will be impossible, and trade would suffer, as there would be less security even than at present for life and property.

It is out of the question to admit that the agents of French merchants should

* See Confidential Paper No. 3972, p. 6.

† I learn that the Spanish and Belgian Ministers are preparing lists for presentation.—J. H. D. H.

‡ See Confidential Paper No. 3972, pp. 16–18.

§ Ibid., pp. 16, 17.

|| Ibid., p. 21.

¶ For proposed Regulations regarding agents of merchants, see consecutive Articles to No. 3, Ibid., p. 21.

** Ibid., p. 23.

continue to be exempted from Moorish jurisdiction, and, through their arrogance and dictation, monopolize the purchase of merchandize in the interior to the prejudice of other foreign merchants.*

Whatever may be the result of the deliberations at the proposed Conference, the subjects of all nations must be placed on the same footing.

If the experiment of new regulations regarding agents be made, as I proposed, for one year, and fail, they can be altered.†

(No. 17.) A tariff of the proposed taxes should be prepared by a mixed Commission of Moorish and foreign officers at Tangier.

(No. 18.) Idem.

(No. 19.) The Sultan has, it appears to me, an incontestable right to refuse to admit that Moorish subjects naturalized in foreign countries should, on their return to Morocco, be exempted from taxation and the jurisdiction of the Moorish authorities.‡ It would be strange if the laws of an independent Sovereign regarding his own subjects are to be superseded by laws framed by a foreign Government regarding such persons when they return to their native country.

All the Representatives except the Italian and French Ministers have accepted the demand of the Moorish Government to abide by Treaty, for the French Minister has insisted that protection and the right of Consular jurisdiction over native agents appointed by French merchants in the provinces of the interior should be retained.§ This demand is opposed to Treaty,|| though the French Agreement of 1863 admits the right of Consular jurisdiction over a limited number of native agents.

The arguments put forward by the Italian Minister in support of a continuance of protection to natives who are not in the service of the Italian Government, or in the service of Diplomatic or Consular officers, appear to me unreasonable, especially as the Moorish Government has formally consented that those persons who have been protected should not be molested when irregular protection is withdrawn, and that if any charge is brought against them notice will be given to the Consul under whose protection they were, in order that he may be present to watch proceedings at the Moorish Tribunals. If protection is not withdrawn from natives protected irregularly by the Italian Minister, the whole question of protection will, I fear, fall to the ground, for all the other Representatives would have the right of insisting that an equal number of natives to those protected by the Italian Representative should be also protected severally by them. For instance, the Italian Minister protects at Tangier thirty of the wealthiest Jews and Mahomedans, who, with their families, may amount to 130 or 150 persons. There are thirteen Governments who have Representatives at Tangier, and if they are placed on the same footing as the Minister of Italy, the number of protected Moorish subjects would amount to about 2,000 persons. Add to these the families of the interpreters, Arabic secretaries, gawasses, and servants, and the number of natives protected would amount to 4,000, or a third of the whole population of Tangier; there would only remain to the Basha and the Kadi the government of the poorest class of inhabitants.

This anomalous state of affairs might, on the same grounds, be extended to all the ports, the government of the country would become impossible, vexatious questions and interminable litigations would arise at the Tribunals of the different Consular officers, as well as with the Moorish authorities.

(Signed) J. H. DRUMMOND HAY.

Tangier, March 8, 1880.

Inclosure 2 in No. 83.

Article IV of Convention of Commerce and Navigation of 1856 between Great Britain and Morocco regarding Brokers or Agents of Merchants.

THE subjects of Her Britannic Majesty within the dominions of His Majesty the Sultan shall be free to manage their own affairs themselves, or to commit those affairs to the management of any persons whom they may appoint as their broker, factor, or agent; nor shall such British subjects be restrained in their choice of persons to act in such capacities; nor shall they be called upon to pay any salary or remuneration to any person whom they shall not choose to employ; but those persons who shall be

* See language of Cid Mohammed Bargash, Confidential Paper No. 3972, p. 16.
† See 11, *Ibid.*, p. 21.
‡ *Ibid.*, pp. 10, 18, and 19, and letter of February 26.
§ Latitude of protection afforded by Diplomatic Representatives, *Ibid.*, pp. 12, 19.
|| See Inclosure 2 in No. 83.

thus employed, and who are subjects of the Sultan of Morocco, shall be treated and regarded as other subjects of the Moorish dominions. Absolute freedom shall be given in all cases to the buyer and seller to bargain together, and no interference on the part of the Sultan's officers shall be permitted. Should any Governor or other officer interfere in the bargains between British and Moorish subjects, or place any impediments in the lawful purchase or sale of goods or merchandize imported into or to be exported from the Sultan's dominions, His Shereefian Majesty shall severely punish the said officer for such misconduct.

No. 84.

Sir H. Elliot to the Marquis of Salisbury.—(Received March 22.)

(No. 136.)

My Lord,

Vienna, March 18, 1880.

WITH reference to your Lordship's despatches on the subject of the proposed Conference at Madrid upon the question of the irregular protection of Moorish subjects, I have the honour to inform you that Count Ludolf, the Austro-Hungarian Minister in Spain, will represent his Government upon it.

It was stated to me that, although Sir J. Drummond Hay protected Austrian interests in the absence of an Imperial Agent at Tangier, it was thought more regular that these should be represented at Madrid by the Emperor's Minister, who would, however, be found acting in strict conformity with his English colleague.

I said I had no doubt that your Lordship would consider this the natural and proper arrangement.

I have, &c.
(Signed) HENRY ELLIOT.

No. 85.

Mr. Erskine to the Marquis of Salisbury.—(Received March 22.)

(No. 17.)

My Lord,

Stockholm, March 18, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 26 of the 7th October last, directing me to ascertain the views of the Swedish and Norwegian Government in reference to the proposed Conference at Madrid as to the protection hitherto accorded by foreign Powers in Morocco to natives of that country.

When I spoke to General Björnstjerna he said at once that, as far as this Government were concerned, there could be no question as to the expediency of their choice, as they had simply followed the same course as Her Majesty's Government, and instructed their Minister at Madrid to attend the Conference on their behalf.

I have likewise had the honour to receive your Lordship's despatches Nos. on the same subject.

I have, &c.
(Signed) E. M. ERSKINE.

No. 86.

The Marquis of Salisbury to M. d'Antas.

M. le Ministre,

Foreign Office, March 22, 1880.

I HAVE the honour to acknowledge the receipt of your note of the 16th instant, in which you express the wish of the Government of His Most Faithful Majesty to be made acquainted with the views of Her Majesty's Government in regard to the protection of Moorish subjects in Morocco by foreign Powers.

In reply, I beg leave to inform you that Her Majesty's Government are of opinion that, in view of the probable assembly at Madrid, at an early date, of a Conference composed of Representatives of the Powers interested, it is advisable to defer coming to any decision upon the question referred to in your note until the whole matter has been discussed in the projected Conference.

I am, &c.
(Signed) SALISBURY.

General Bülow to the Marquis of Salisbury.—(Received March 23.)

M. le Marquis, *Légation de Danemark, Londres, le 21 Mars, 1880.*
VOTRE Excellence se rappellera que des négociations ont eu lieu dernièrement, entre le Gouvernement du Maroc et les Gouvernements représentés à Tanger, dans le but de déterminer, par un Règlement, l'exercice du protectorat accordé à des sujets Marocains par les Représentants Diplomatiques et Consulaires des Puissances étrangères prenant part à ces négociations, mais sur d'autres points on n'a pu se mettre d'accord; et on a fini par abandonner l'espoir que la continuation des négociations à Tanger aboutirait à un résultat.

Sur ces entrefaites, le Gouvernement de Sa Majesté Britannique, par l'organe de son Ministre à Tanger, a émis la proposition que ces négociations soient discontinuées dans cette dernière capitale, et reprises à nouveau dans un autre endroit et par d'autres Délégués que ceux qui y ont pris part à Tanger. Ces nouvelles Conférences auraient lieu à Madrid.

Mon Gouvernement, qui à Tanger est représenté par le Ministre de Sa Majesté Britannique, Sir Drummond Hay, a toujours été d'accord avec le Gouvernement de Sa Majesté Britannique sur les questions dont il s'agit; et il n'a rien à objecter contre le choix de la ville de Madrid comme lieu de réunion des nouvelles Conférences. Mais il se présente ici une difficulté. Le Gouvernement du Roi n'est pas, pour le moment, représenté diplomatiquement dans cette capitale; et d'autre part, la question du protectorat au Maroc n'a pas, pour le Danemark, une importance assez grande pour que, dans l'opinion du Gouvernement, il y ait lieu d'envoyer un Délégué spécial à Madrid.

Le Gouvernement du Roi ayant tout le temps envisagé la question dont il s'agit du même point de vue que le Gouvernement de Sa Majesté Britannique, et ayant de plus été représenté jusqu'ici à Tanger par le Ministre d'Angleterre, mon Gouvernement croit pouvoir se flatter de l'espoir que le Gouvernement de Sa Majesté Britannique ne trouverait peut-être pas d'inconvénient à se charger également à Madrid de la représentation des intérêts du Danemark en ce qui concerne le règlement de cette question du protectorat au Maroc.

J'ai donc l'honneur, conformément aux instructions reçues, de demander à votre Excellence si le Gouvernement de Sa Majesté Britannique serait disposé à instruire Mr. West, à Madrid, de représenter aussi le Danemark dans les Conférences en question.

J'ai, &c.
(Signé) F. BÜLOW.

No. 87.

The Marquis of Salisbury to General Bülow.

M. le Ministre, *Foreign Office, March 23, 1880.*
I HAVE the honour to inform you, in reply to your note of the 21st instant, that, having received through Her Majesty's Minister at Copenhagen an intimation of the desire of the Danish Government to be represented by Her Majesty's Minister at the proposed Conference at Madrid upon the subject of the protection of foreigners in Morocco, I have already directed him to state that Her Majesty's Government will at once instruct their Minister to consider himself as representing the interests of Denmark at the Conference.

I have, &c.
(Signed) SALISBURY.

The Marquis of Salisbury to Sir H. Elliot.

(No. 127.)

Sir,

Foreign Office, March 24, 1880.

I HAVE to request your Excellency to express to Baron Haymerle the satisfaction with which Her Majesty's Government have learnt that the Austro-Hungarian Government have decided that their Minister at Madrid shall represent Austria-Hungary at the Conference which it is proposed to hold in that capital to consider the question of the protection of foreigners in Morocco.

I am, &c.
(Signed) SALISBURY.

No. 89.

The Marquis of Salisbury to Count de Bylandt.

M. le Ministre,

Foreign Office, March 25, 1880.

IN reply to the inquiry which you have made, I have the honour to inform you that Her Majesty's Government has not yet received the invitation which is expected to be issued by the Spanish Government to the Powers interested in the question of the protectorate of foreigners in Morocco, requesting them to depute Delegates to a Conference on the subject to be held at Madrid.

I have, &c.
(Signed) SALISBURY.

No. 90.

Mr. West to the Marquis of Salisbury.—(Received March 27.)

(No. 58.)

My Lord,

Madrid, March 21, 1880.

WITH reference to my despatch No. 57 of the 20th instant, I have the honour to inclose to your Lordship herewith copy and translation of a note which I have received from Señor Elduayen, notifying the late Ministerial changes and his appointment to the Department of State.

I also inclose copy of a private letter addressed to me by Señor Canovas del Castillo, by which your Lordship will perceive that it is his desire to conduct himself the negotiations for the proposed Conference on the question of irregular protection in Morocco.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 90.

Señor Elduayen to Mr. West.

(Translation.)

Excellency,

Ministry of State, The Palace, March 20, 1880.

I HAVE the honour to inform your Excellency that His Majesty the King, my Gracious Sovereign, having been pleased to accept the demission, which, owing to ill-health, has been presented by his Excellency the Marquis de Vrosio, Minister of Finance, and to ordain that his Excellency Don Antonio Canovas del Castillo, President of the Ministry, cease in his charge of Minister of State, has named to replace the first his Excellency Don Fernando Cos-Grayon, and the Undersigned to take charge of this Department. His Excellency Don Cayetano Bustillo will substitute me as Minister of the Colonies.

On informing your Excellency, it is my duty to state that I will omit nothing to maintain the friendly relations which happily exist between Spain and the nation your Excellency so worthily represents.

I avail, &c.
(Signed) Y. ELDNAYEN.

Inclosure 2 in No. 90.

Señor Canovas to Mr. West.

Mon cher Ministre,

Madrid, le 19 Mars, 1880.

JE quitte aujourd'hui le Ministère de l'Etat, poste que Sa Majesté le Roi a daigné confier à M. Elduayen, Marquis del Pazo, &c.

Vous ne tarderez pas à en recevoir communication officielle, mais en vous donnant d'avance la nouvelle, je saisis cette occasion pour vous exprimer toute ma satisfaction des bons rapports que nous avons maintenus ensemble, et que je serais heureux de voir continuer, dans tout ce qui se rattache à la question de protections au Maroc, sans que cela puisse nuire en aucune façon à vos relations diplomatiques avec le nouveau Ministre des Affaires Etrangères.

Aussitôt que vous aurez reçu les nouvelles que vous attendez au sujet de cette intéressante affaire, je m'empresserai de faire circuler la dépêche déjà prête adressée à nos Représentants à l'étranger, afin d'inviter aux Conférences qui doivent avoir lieu à Madrid les Gouvernements intéressés dans la question.

Si en attendant vous auriez besoin de me voir, vous me trouveriez à la Présidence de 1 heures à 3; je vous prierais seulement de me faire avertir d'avance du jour de votre visite, afin que je puisse vous attendre.

Agréé, &c.

(Signé) A. CANOVAS DEL CASTILLO.

No. 91.

Sir E. Thornton to the Marquis of Salisbury.—(Received March 28.)

(No. 88.)

My Lord,

Washington, March 16, 1880.

BEFORE I had an opportunity of speaking to Mr. Evarts with regard to the contents of your Lordship's despatch No. 21 of the 27th ultimo, which reached me on the 12th instant, and which had reference to the proposed Conference at Madrid for the discussion of the question of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects, I received from him a note, dated the 13th instant, copy of which I have the honour to inclose, and in which he states that it has been decided to authorize Mr. Fairchild, who has been recently appointed United States' Minister at Madrid, to act as the Representative of the United States at the above-mentioned Conference.

I do not doubt that, as Mr. Fairchild will enter upon the business without having formed any previous opinion upon the subject, and probably without even being acquainted with the question, the appointment will be satisfactory to your Lordship.

In consequence of Mr. Evarts' request to be furnished with further details upon the question, of which his own Department does not seem to be in possession, I have thought it expedient to forward to him the printed copy of the Reports of the Sessions of the foreign Representatives in Morocco on the above-mentioned subject during the year 1879, which formed the second inclosure in your Lordship's despatch No. 128 of the 4th October last. I venture to hope that your Lordship will not disapprove of my having taken this step, and will be good enough to direct that an additional copy of that document may be forwarded to me.

I have, &c.

(Signed) EDWD. THORNTON.

Inclosure in No. 91.

Mr. Evarts to Sir E. Thornton.

Sir.

Department of State, Washington, March 13, 1880.

WITH reference to your note of the 4th November last in relation to the Conference proposed to be held at Madrid for the consideration of the question of the foreign protection of native Moors in the Empire of Morocco, I have the honour to inform you that, in response to that suggestion and to the invitation of the Spanish Government, it has been decided to authorize Mr. Fairchild, the United States'

Minister at Madrid, to act as the Representative of the United States in such Conference, and that suitable instructions for his guidance in the premises will be forthwith sent to him.

Accepting your kind offer to furnish further details of the negotiations which have for some time been carried on at Tangier from the documents which are in your possession, I beg that you will, with your accustomed courtesy, place them in my hands as speedily as may be conveniently practicable, for the needful information of Mr. Fairchild.

I have, &c.

(Signed) WM. M. EVARTS.

No. 92.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received March 29.)

(No. 55.)

My Lord,

Tangier, March 19, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 26 of the 9th instant, transmitting copies of the General Treaty between Great Britain and Morocco of 1856 and of the Treaty of Commerce and Navigation between Spain and Morocco of 1861, and directing me to point out to your Lordship the particular clauses in both these Treaties, or others, which bear upon the subject about to be submitted for discussion at the proposed Conference at Madrid.

The clauses in the Treaties which bear upon the subject of the various demands put forward by the Moorish Government regarding protection afforded to Moorish subjects by Diplomatic and Consular Officers and taxation of foreign subjects are noted in the accompanying memorandum, which contains also my observations.

In my despatch No. 44 of the 16th March, I transmitted a memorandum with remarks upon the demands of the Moorish Government upon this subject. I have had therefore very little to add.

As Her Majesty's Government may not be in possession of the Treaty between France and Morocco of 1767, I annex copies of the paragraphs of the Stipulation, which may be referred to by the French Delegate during the Conference.

In pursuance of your Lordship's instructions, I shall furnish Her Majesty's Minister at Madrid with a copy of this despatch and inclosure, and also with a copy of No. 44 of the 16th March and inclosure.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 92.

Articles and Clauses in Treaties between Foreign Governments and Morocco which bear upon the Demands of the Moorish Government, relative to Protection and Jurisdiction of Moorish Subjects in the Service of Diplomatic and Consular Officers, and of Foreign Subjects, and Taxation of the latter.

Privileges of Diplomatic and Consular Officers.

PARAGRAPH 2 in Article III of Treaty between Great Britain and Morocco of 1856, commencing "The said Chargé d'Affaires" down to "under his roof."

Paragraphs 3, 4, 5 in Article III of Treaty between Spain and Morocco, from "the Chargé d'Affaires" down to "who reside in the same house."

Privileges of Foreign Subjects respecting Brokers or Agents.

Article IV of Convention between Great Britain and Morocco of 1856.

Paragraph 2 in Article V of General Treaty of 1856, from "they shall be free" down to "interruption."

Paragraph 1 of Article VII of Treaty between Spain and Morocco of 1861, from "Spanish subjects" down to "impediment," and Article XLVII of the same Treaty.

Paragraph in Article XI of Treaty between France and Morocco, commencing with "Les personnes" down to "qui ce soit."

Règlement relatif à la protection entre la Légation de France et le Gouvernement Marocain de 1863.*

Exemption of Foreign Subjects from Taxation.

Paragraph in Article IV of General Treaty between Great Britain and Morocco of 1856, "They shall not be obliged to pay under any pretext whatever any taxes or impositions."

Article III of Convention between Great Britain and Morocco of 1856.

Paragraph 3 of Article V of Treaty between Spain and Morocco of 1861, "Spanish subjects cannot under any pretext be forced to pay taxes or contributions," and Article XLVI of the same Treaty.

Article XI of Treaty between France and Morocco.

Remarks.

WITH reference to the observations made by me, in the memorandum inclosed in No. 44 of the 16th March, regarding the demands, Nos. 15 and 16 of Cid Mohammed Bargash,† relative to native agents or brokers employed by foreign subjects, and the privileges which the French Minister at Tangier considers that French citizens are entitled to claim according to the Agreement of 1863, I do not understand how it will be possible to carry into practice the regulations in that document when the subjects of other nations are placed on an equal footing, as they necessarily must be when a final settlement of these questions takes place.

For instance, in the list of protected French subjects at Tangier, presented by M. de Vernouillet, the names of four Moorish farmers are inserted, who are, I believe, the partners in agriculture of two French citizens, of moderate means, named Davin and Favier, who are not merchants.

The Paquet Company of Steamers is also allowed two semsars at Tangier. These semsars or agents are amenable solely to French Consular jurisdiction, and have been hitherto exempted from military service and taxation. The Moorish authorities have no power of control whatsoever over them or their families.

It may be observed that this limited number of natives placed, at Tangier, under French Consular jurisdiction, cannot be prejudicial to the Moorish Government; but the precedent, if admitted, will entitle the subjects of all other foreign Governments to be placed on the same footing.

There are forty-three *bond fide* British subjects, heads of families, who reside at Tangier, many of them in better circumstances than the two French citizens who enjoy these peculiar privileges.

There are four English Companies who have steamers that visit Tangier regularly; therefore, when British subjects are placed on the same footing as French citizens there would be ninety-four subjects of the Sultan placed under British Consular jurisdiction, which, together with their families, living under the same roof, would amount to about 400 souls.

There are, I understand, about 1,200 Spanish subjects resident in Tangier, or about 250 heads of families.

Many of these persons are in very poor circumstances, but they would also claim to be placed on the footing of the subjects of the most favoured nation.

Five hundred natives with their families would amount to about 2,000 persons, who would thus be placed under Spanish Consular jurisdiction.

Both the British and Spanish subjects would select, in the same manner as the French have done, wealthy farmers for their agents or partners, and the latter would gladly accept the position, and would be disposed to enter into partnership with their employers, even if the latter have no capital, in order to enjoy exemption from military service and the jurisdiction of the Moorish authorities.

I do not make a further calculation of the number of natives which other foreign subjects might claim to have also as agents to be exempted from the jurisdiction of the Moorish authorities, not only at Tangier, but at all the ports and towns where Europeans reside.

* Page 7 (3689) of printed correspondence.

† Cid Mohammed Bargash altered the spirit of these demands in his replies to the Representations; see last paragraph, p. 16 (3972), of printed correspondence on "Protection."—J. H. D. H.

It would be an inducement also for needy Spaniards and other foreign subjects to emigrate to Morocco to enjoy such lucrative privileges. The action of the Moorish authorities would be paralyzed. Endless litigation would arise between the different foreign Consulates and also with the Moorish authorities. Each Consul would require a staff of judicial officers and police to govern the natives, who would be placed beyond the pale of Moorish jurisdiction.

What measures will the French Government propose to enable this state of *imperia in imperio* to work satisfactorily without annihilating the authority of the Sultan and his officers?

The population of the districts near Tangier are militia. All the arable land belongs to the Sultan, and is held on military tenure.

The semsars of foreign subjects, being exempted from all control of the Moorish authorities, will refuse to perform the services by reason of which they hold the Royal lands, and which will be cultivated, therefore, in great measure for the benefit of their foreign employers.

M. de Vernouillet, at a meeting held on the 27th March of last year,* insisted that French merchants and subjects should continue to enjoy these privileges, but he suggested that British subjects should be restrained by me from doing so. This is, of course, unreasonable. Whatever privileges may be finally granted to the most favoured nation will be rightfully claimed by the subjects of all the other Powers. In such case, I maintain the government of this country will be rendered impossible.

In Article XI of the Treaty between France and Morocco of 1767,† it is stipulated that Moorish subjects employed by Consuls shall be exempted from taxes or impositions, and that no one shall hinder such persons employed by Consuls or merchants in their affairs.

Articles XII and XIII stipulate that when a dispute arises between a French and a Moorish subject, the Sultan or his Representative shall decide the case in the presence of the Consul, without the interference of the Cadi.

A Consul has not, therefore, by this Treaty, the right of jurisdiction over French subjects in disputes with Moorish subjects. It stands to reason, therefore, that the jurisdiction of French Consuls over Moorish subjects in the service of Consuls or French merchants cannot be claimed according to the wording of this Treaty.

I can understand that French merchants represent to their Government that they cannot carry on their trade unless they are permitted to select semsars from the wealthy rural inhabitants in the interior; for, firstly, they give no salaries to these natives, many of whom are willing to admit that their employers should even become partners in cattle, sheep, and cultivation of the land without embarking any capital in the business; and, secondly, these semsars being independent of the control of the native authorities, monopolize the markets and dictate their own terms, to the prejudice of native and foreign traders.‡

On the other hand, if it is arranged that the agents of *bond fide* merchants are to be selected from the inhabitants of the ports, and that they are to be placed under the jurisdiction of the Moorish authorities at the ports, it will be necessary that regulations similar to those I have proposed,§ with subsequent modifications, should be entered into, and that the most stringent orders should be issued by the Sultan to the Governors of the Interior.

I have not the slightest confidence in the integrity of Moorish Governors, especially those dwelling in the interior, but when they shall be only authorized to arrest an agent guilty of crime or misdemeanour, and to send him to a port to be tried by a Tribunal at which the Consul is to be present, and that no property in the hands of the agent can be seized or money extorted under any pretext whatsoever, the inducement to arrest an agent without good grounds will cease, especially when the Governor knows that proceedings will be taken against him, and that his dismissal or punishment will be demanded by the foreign Representative, if it is proved he arrested the agent without sufficient cause.

I have to observe that there are at present forty-five semsars employed by British subjects at the western ports, and that twenty of these have been selected by British traders from the provinces in the interior (notwithstanding my recommendation to Her Majesty's Consular Officers to the contrary); but if a settlement is arrived at which authorizes the employment of the rural population as agents, and that they are to be

* See last two paragraphs on p. 23 (3972) of printed correspondence on "Irregular Protection."

† See Inclosure No. 2.

‡ See p. 16 (3972), "Language of Cid Mohammed Bargash."

§ See p. 21 (3972) of printed correspondence.

subjected solely to Consular jurisdiction, the number of these persons will be trebled or quadrupled; for not only merchants, but all British subjects will claim to be put on the footing of the most favoured nation.

With reference to the list of protected Moorish subjects, which it is agreed shall be presented annually to the Moorish Minister, I find that, notwithstanding the demand of the Moorish Government, "la protection n'est pas héréditaire,"* which was agreed to by all the Representatives, with the condition, on the part of the French, Italian, and Portuguese, that exceptions should be made in favour of their interpreters, the French Minister, though he accepted this demand with the above-named reserve, places on his list, presented subsequently, the family of the late Arabic Secretary, Cid Mohammed Emsowry, who died last year.

With reference to the question of taxation of foreign subjects engaged in agricultural pursuits and also of gate taxes, the Representatives accepted the proposals of Cid Mohammed Bargash† upon certain conditions, though the wording of Treaty stipulations is opposed to such a demand; but it has been admitted by all the Representatives that when the Treaties referred to in this memorandum were drawn up, it was not foreseen that Europeans would engage in agricultural pursuits.

Her Majesty's Government, to whom this question had been referred, have expressed their opinion that these taxes would not be contrary to the spirit of Treaty stipulation.‡

(Signed) J. H. DRUMMOND HAY.

March 19, 1880.

Inclosure 2 in No. 92.

Extracts from Articles XI, XII, and XIII of the Treaty between France and Morocco of 1767.§

"Art. XI. Les personnes que les dits Consuls auront à leur service comme écrivains, interprètes, courriers, et autres n'éprouveront aucun obstacle à leur service, et on ne leur imposera aucune charge quelconque, soit quant à leurs personnes, soit quant à leurs maisons: on ne les empêchera pas non plus de faire les affaires dont elles seront chargées par les Consuls ou les marchands en quelque lieu que ce soit."

"Art. XII. S'il arrive un différend entre un More et un Français, l'Empereur en décidera ou bien celui qui représente sa personne dans la ville où l'accident sera arrivé, sans que le Kadi ou le Juge ordinaire puisse en prendre connaissance; il sera usé de même en France, s'il arrive un différend entre un Français et un More."

"Art. XIII. Si un Français frappe un More, il ne sera jugé qu'en la présence du Consul qui défendra sa cause, et elle sera décidée avec justice et impartialité et, au cas que le Français vint à s'échapper, le Consul n'en sera pas responsable; et si par contre un More frappe un Français, il sera châtié suivant la justice et l'exigence du cas."

No. 93.

Mr. Morier to the Marquis of Salisbury.—(Received March 29.)

(No. 16.)

My Lord,

Lisbon, March 23, 1880.

WITH reference to my despatch No. 12, Confidential, of the 12th instant, I have the honour to inclose herewith a translation of a confidential note from Senhor Braamcamp, informing me that, with reference to the proposed Conference which is to meet at Madrid for the purpose of discussing the question of irregular protection in Morocco, the Portuguese Government have agreed to appoint their Minister at Madrid to represent them at the Conference above alluded to.

I have, &c.
(Signed) R. B. D. MORIER.

* See No. 7 (3972), p. 5.

† See demand No. 17 of Cid Mohammed Bargash, p. 8 (3972).

‡ See Lord Granville's despatch No. 6, Commercial, of September 8, 1873.

§ This is a literal translation from the Arabic text, which differs slightly from the French text.

Inclosure in No. 93.

Senhor Braamcamp to Mr. Morier.

(Translation.)

(Confidential.)

Your Excellency,

Foreign Department, Lisbon, March 19, 1880.

I HAD the honour to receive the confidential note which your Excellency was pleased to address to me on the 11th instant with respect to the proposed Conference which is to meet at Madrid for the purpose of inquiring into the existing Treaties and usages in Morocco with reference to the right of protection accorded by some Powers in that Empire to Moorish subjects.

In reply, I beg to state to your Excellency that, inasmuch as His Majesty's Government has already given its assent to the expediency of the meeting to be held by the Representatives of the different Powers for the discussion of this matter, and for the settlement of the bases which are to be adopted upon this question, it likewise agrees to appoint the Portuguese Minister in Madrid to be its Delegate to the Conference referred to.

I renew, &c.
(Signed) ANSELMO JOZÉ BRAAMCAMP.

No. 94.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 1.)

(No. 60.)

My Lord,

Tangier, March 24, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 28 of the 16th instant, transmitting the copy of a memorandum addressed to your Lordship by M. Löwy, Secretary of the Anglo-Jewish Association, on the subject of foreign protection in Morocco to the Jewish subjects of the Sultan.

I am not surprised to find that some of M. Löwy's arguments are based upon inaccurate data, for those Jews who have obtained irregular protection from Diplomatic or Consular Officers (through means which had better not be inquired into) are, in general, well-educated men, and have published, since the question of protection has been agitated, numerous articles in English and foreign papers, which lead the world, as well as the Jewish Associations in Europe, to suppose that if irregular protection is withdrawn from them the entire Jewish population of about 180,000 souls will suffer; though the fact is that only 1,000 or less will cease to be protected, and these are guaranteed against molestation, as the Moorish Government has voluntarily agreed not to summon such persons before Moorish Tribunals without due notice being given to the Consular Officers under whose protection they had previously been, and the Consul will be authorized to be present to watch the proceedings.

What, I suppose, these protected Jews fear is, that they may hereafter have to pay taxes, which may be rightfully called for by the Sultan from them as from his other subjects, whilst some of the less worthy will no longer be enabled to obtain the settlement of claims of a doubtful character upon Mahommedans through menace or the dictation of a foreign Consul.

In saying thus much, I do not wish to cast any slur upon persons of that creed, for the majority of the native Jewish merchants with whom I am acquainted are highly respectable persons, incapable of fraudulent transactions.

I have the honour to transmit a document containing extracts from M. Löwy's memorandum, and my observations thereupon.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

P.S.—I forward this despatch under flying seal through Her Majesty's Minister at Madrid.

J. H. D. H.

Inclosure in No. 94.

Extracts from M. Löwy's Memorandum on Protection afforded to Jews by Diplomatic and Consular Officers.

Sir J. H. Drummond Hay's Remarks.

PARAGRAPH 1. All Ministers, Consuls, and Consular Agents in Morocco grant protection to the native members (Jewish or Mahomedan) of their households, from the Dragoman down to the simplest menial.

Par. 11. If a Moor insult or strike the Moorish or Jewish servant of a European resident he receives immediate punishment at the hands of the Governor.

Par. 12. This very limited amount of protection to the native servants of European residents has in itself a most salutary effect; the difficulty of distinguishing in the streets the unprotected from the protected Jews is sufficient to insure to nearly the whole Jewish population of a town an immunity from molestation.

Par. 15. Mahomedan merchants are likewise anxious to obtain European protection; in their case, however, it is for commercial advantages alone—they labour under no religious disabilities.

Par. 16. In Morocco, however, there is no hope of improvement so long as the present religious law remains in force.

Pars. 17 and 18. In Morocco the Representatives of European Powers can exercise that particular influence for protecting the oppressed Jews which they could not expect to possess elsewhere. Is that influence now to cease? Is the Jew, after having been protected successfully for many years, now to be abandoned to the tender mercies of the Moor?

It were better far if the Jew had never known the enjoyment of liberty, better far if he had never been rescued from the persecution of the Moor, if he is now to be handed back to the vengeance of his uncivilized oppressor.

CONSULS and Consular Agents are only entitled by Treaty to protect an interpreter, guard, and two servants.

The Moorish Government also admit that an Arabic Secretary should be under protection.

The native servants of European residents are not, as far as I am aware, protected by any of the Diplomatic or Consular Officers, and therefore M. Löwy's argument is based upon inaccurate data.

There is much truth in this statement, but as protection to Jews in the service of Diplomatic or Consular Officers, which is sanctioned by Treaties, is not to be withdrawn, but solely from those Mahomedans or Jews who are irregularly protected, and who are comparatively less numerous, the "salutary effect" described by M. Löwy will remain.

I have to observe that if it is finally settled that irregular protection is to be withdrawn, I shall not have occasion to erase from my lists one single name either of the Jewish or Mahomedan subjects of the Sultan, and, therefore, as far as regards British, Austro-Hungarian, Danish, and Netherlands protected Moorish subjects, no alteration will take place in the number of protected Jews.

Mahomedan merchants seek for European protection not for commercial advantages alone, but for exemption from military service, taxation, and the arbitrary jurisdiction of Moorish authorities, for the same reasons as Jews.

Does M. Löwy wish to propose that foreign Governments should attempt to alter the religious law of the Mahomedans in Morocco?

M. Löwy appears to forget that there is no question of withdrawing protection from those natives who are entitled to it by Treaty; neither does the British Government, or other foreign Government, that I am aware, intend to withdraw their good offices, or even, when necessary, to make representations to the Moorish Government in cases of tyranny brought to their knowledge.

I have already suggested that if the question of protection is settled in accordance with Treaty, that the Sultan should be made aware of the serious consequences which might be entailed through the tyrannical acts of his Governors, or by the commission of outrages on Jews by the Mahomedan population, and that such

Extracts from Mr. Löwy's Memorandum on Protection afforded to Jews by Diplomatic and Consular Officers.

Sir J. H. Drummond Hay's Remarks.

proceedings might produce a more decided intervention on the part of foreign Governments on their behalf.

I am informed by a respectable Rabbi that the Jewish women are paid for Government work, but only half the wages they could earn from private individuals. The rough treatment which he says they receive, when compelled to go to a Government store to work, might be brought under the notice of the Sultan.

Par. 21. There are numberless instances of arbitrary proceedings on the part of the Moorish authorities.

As an instance, it may be mentioned that when uniforms have to be made for the soldiery, a raid is made into the Jews' town or "mellah" for all Jewish women. These are compelled to proceed to the Government store and work up such uniforms day after day, without receiving any remuneration whatever. On one occasion a woman, for refusing to do such work, was severely flogged in the presence of the Governor of the town.

Par. 24. To sum up the foregoing remarks, it should be observed that if protection be withdrawn from the Jew in Morocco, he will be insulted, beaten, and robbed, forced to walk bare-footed before the mosques and in such other portions of towns as are considered sacred.

He will be subject to endless indignities, and acts of injustice and oppression.

M. Löwy is, I repeat, basing his arguments on inaccurate data. Protection is not to be withdrawn from any Jew or Mahomedan who is entitled to it by Treaty.

When all the foreign Governments have placed themselves on a right footing *vis-à-vis* the Moorish Government, by respecting Treaty engagements, and have withdrawn from their lists some 200 wealthy Jews, who, with their families, may amount to 1,000 persons, then they will be better enabled to take an active and decided interest in behalf of the 180,000 Jews who are not, and never have been, protected.

J. H. DRUMMOND HAY.

No. 95.

The Marquis of Salisbury to Mr. West.

(No. 64.)
Sir,

Foreign Office, April 1, 1880.

WITH reference to your despatch No. 53 of the 12th ultimo, I have to inform you that, having ascertained from Her Majesty's Minister at Tangier that he is not aware of any objection to Russia being represented at the proposed Conference at Madrid on the subject of irregular protection in Morocco, I have instructed him to inform the Sultan of the proposal to invite Russia to assist at the Conference, and to express the hope of Her Majesty's Government that His Majesty will agree to the proposal.

I am, &c.
(Signed) SALISBURY.

No. 96.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 3.)

(No. 61.)
My Lord,

Tangier, March 27, 1880.

I HAVE the honour to acknowledge the receipt yesterday of the following telegram from your Lordship:—

"Send home an official copy of the Agreement between France and Morocco of 1863, alluded to in inclosure in your despatch No. 44 of 16th instant."

[986]

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On the receipt of your Lordship's telegram, I requested Cid Mohammed Bargash to provide me with an official copy of the Arabic text of the original Agreement, which was, I believe, signed by M. Beclard, who was French Minister in Morocco at that time, by Cid Mohammed Bargash, and by one of the Sultan's Secretaries, Cid Drees Ben Mohammed Ben Drees.

Cid Mohammed informed me this morning that after a search of several hours in the archives of his Department he has not been able to find the original Agreement; I have therefore caused copies to be made of the Arabic text of this Agreement, which was communicated by Cid Mohammed Bargash on the 21st August, 1863, to Her Majesty's Consul, Mr. Reade, who was at that time in charge of the mission during my absence, and of the English translation made by Mr. Reade, which I have collated with the Arabic text and found to be correct. I inclose these documents.

The French text of this Agreement will be found p. 7, 3689, in the "Papers printed for the use of the Foreign Office, March 1880." It was given to me by one of M. de Vernouillet's predecessors. It differs slightly from the Arabic and the English translation. I know not whether the Agreement was drawn up also and signed in the French language as well as the Arabic, as is usual in Treaties with this Government. In the copy of the Arabic text the signatures of the French and Moorish Commissioners are not mentioned.

The French Minister and French Agents do not adhere strictly to the terms of the 10th paragraph, "La protection Française ne s'applique pas aux indigènes employés par des Français à des explorations rurales." The *semsars* or agents selected by French merchants in the interior are generally wealthy farmers, though they may be also engaged in purchasing or selling goods on account of their employers.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 96.

French Agreement of 1863 regarding Brokers employed by French Merchants in Morocco.

(Translation.)

PRAISE to the one God!

On the 19th August of the year 1863, which date corresponds with the 3rd Rabbea, the first of the Mahommedan year 1280, the following Regulations on the subject of protection were established for the guidance of the French Agents in the Empire of Morocco:

Protection shall be accorded to the individual only during the time he is in actual service, and the protection he enjoys shall not be extended to all his relations, but only to his wife and children, or such others as reside under his roof.

This protection may be afforded in some instances as long as the *protégé* lives, but on his death it shall cease; and such protection shall not be considered hereditary except in the case of Moses Benchimol *alias* Beriro, who inherited it from his father and grandfathers, who served before him as interpreters or brokers to the French Mission at Tangier.

Protection shall be divided into two classes. The first shall include all natives in service at the Minister's house and at the several Consular residences within the jurisdiction of the Minister, such as clerks, soldiers, servants, and such like. The second class shall include the brokers employed by French merchants in their mercantile transactions.

The last-mentioned merchants shall not be considered merchants unless they do business on a large scale in both exports and imports at a port, whether on their own account or on that of others.

The number of brokers enjoying protection shall not exceed two in each commercial house; and should a merchant have another house at another port, he shall be entitled to two protected brokers at each of the ports where he may be established in business.

The protection of the French nation shall not be extended to natives employed in the country, whether in the cultivation of the soil, the tending of cattle, or any such like occupation.

But, in consideration of the Regulations that have hitherto been in force with the

accord of the Moorish authorities, the protection of these people shall continue for two months, dating from the 1st September next.

It is well known that whenever people employed in the country by the French may be required to appear before the Tribunal of the local authorities, the Governor (of the town) will give due notice of the circumstance to the French Consular Agent, in order that the latter may give directions to the owner of the sheep or land under cultivation (in whose service the people so required to appear may be) to appoint substitutes to look after his property (during the absence of the former), and prevent any harm occurring to it.

A list of the persons under French protection shall be given by the French Agent to the Governor of the town where he resides, and whenever he may have occasion to make any alteration in his list he shall duly report such alteration to the authority.

Every person under French protection shall possess a certificate, in which his name shall be specified as well as his employment; and this certificate shall be written both in French and Arabic.

Such certificates shall be given by the French Minister resident in Tangier.

No. 97.

The Marquis of Salisbury to Mr. West.

(No. 65.)

Sir,

Foreign Office, April 3, 1880.

WITH reference to your despatch No. 53 of the 12th ultimo relative to the proposed Conference on irregular protection in Morocco, I have to request that you will suggest to Señor Canovas del Castillo that the delay which his Excellency apprehends may be caused by the length of time necessary for the transmission of full powers from the United States and Brazil might be avoided if the Spanish Government were to ask the Governments of those countries to authorize their Representatives at Madrid, by telegraph, to attend the Conference, and to send their full powers later.

In the circumstances of the case, it is not probable that any objection to such a course would be raised by the other Delegates.

I am, &c.
(Signed) SALISBURY.

No. 98.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 6.)

(No. 62.)

My Lord,

Tangier, March 29, 1880.

WITH reference to the memorandum containing my remarks upon the *Procès-verbaux* regarding protection inclosed in No. 44 of the 16th instant, I had observed that, though all the foreign Representatives had agreed to present to Cid Mohammed Bargash lists* of Moorish subjects under their protection, drawn up in accordance with the engagements they had entered into in July last year, that, with the exception of the German Minister and myself, no other Representatives had presented their lists. I have the honour to inform your Lordship that the French, Spanish, and Belgian Ministers have presented lists, and that Cid Mohammed Bargash has addressed a Circular letter to the other Representatives, calling upon them to furnish him with their lists, as he will require them at the Conference at Madrid.

I am informed that the United States' Consul-General, Colonel Mathews, has stated verbally to Cid Mohammed Bargash, that the reason why he had not presented a list of Moorish subjects protected at the ports or in the interior was that he did not extend irregular protection to any one, and that at Tangier his list would merely include the native officers and servants in his employment. If the language of Colonel Mathews is correctly reported, an important result has already been obtained by the mere prospect of a Conference at Madrid, for it could be shown by former lists of persons protected by Colonel Mathews at Tangier, that he had extended protection to several wealthy Jews and Moors, in an irregular and unaccountable manner. I shall not be surprised to learn also that the lists, which may be presented by the other

* See Nos. 8 and 9.

Representatives, now that it is known they may be submitted to their respective Governments, will also be greatly curtailed.

If this surmise is correct, some surprise may be felt by the Delegates at the Conference at Madrid, that complaints had been made by the Moorish Government regarding the extension of irregular protection, when the lists show that the numbers are very small, but the Moorish Delegate will, no doubt, explain that the lists which may be now presented do not include numerous Moorish subjects who were protected by Diplomatic and Consular Officers before the question of irregular protection was agitated.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 99.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 6.)

(No. 63.)

My Lord,

Tangier, March 29, 1880.

I HAVE the honour to inform your Lordship that M. Scovasso, who has been raised to the rank of Minister Plenipotentiary, arrived here yesterday in an iron-clad frigate, the "Maria Pia."

He landed under salutes from the frigate and town batteries, and was received with the usual ceremonies on such occasions by the local authorities.

A large concourse of protected Jews and Mahomedans, who know that M. Scovasso is the chief supporter of irregular protection, had prepared an ovation on his landing as expressive of their satisfaction at his return to Tangier.

The Spanish Minister, M. Diosdado, has left for Madrid, but informs me that he will return in the course of next month to Tangier.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

P.S. 30th.—The Italian iron-clad frigate "Principe Amadeo," Admiral Martun, anchored in Tangier Bay this morning.

J. H. D. H.

No. 100.

The Marquis of Salisbury to Sir E. Thornton.

(No. 39.)

Sir,

Foreign Office, April 8, 1880.

I HAVE received your despatch No. 88 of the 16th ultimo, together with its inclosure, upon the subject of the proposed Conference at Madrid for the discussion of the question of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects, and I have to state to you that I approve of your having, under the circumstances, forwarded to Mr. Evarts the printed copy of the Reports of the Sessions of the foreign Representatives in Morocco during the year 1879, which formed the second inclosure in my despatch No. 128 of the 4th October last.

An additional copy of that document is transmitted herewith, in accordance with your request.

I am, &c.
(Signed) SALISBURY.

No. 101.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 9.)

(No. 70.)

My Lord,

Tangier, April 1, 1880.

THE United States' corvette "Enterprize," Captain Selfridge, arrived here on the 30th ultimo.

Cid Mohammed Bargash informs me that the United States' Consul-General, Colonel Mathews, accompanied by Captain Selfridge, called on him, and the latter informed him that he had been instructed by the United States' Admiral to declare that Moorish subjects naturalized in the United States, on their return to Morocco, must be considered as citizens of the United States; and, therefore, the orders he (Cid Mohammed Bargash) had received from the Sultan, that Moorish subjects, bearers of letters of naturalization, were to be subjected to the jurisdiction of the Moorish authorities, could not be made applicable to persons who had been naturalized in the United States.

Cid Mohammed Bargash replied, that as he understood that it was the intention of the United States and other foreign Governments to appoint Delegates to the Conference to be held at Madrid, when questions affecting protection afforded to Moorish subjects by Diplomatic and Consular officers were to be discussed and arranged, he requested Captain Selfridge to inform the Admiral that it would be preferable to defer any discussion on this question until the Conference takes place, and that then the Admiral would be enabled to communicate his views through the United States' delegate. Captain Selfridge observed to Cid Mohammed Bargash that there were 20,000,000 of persons in the United States who were of foreign extraction, but had been naturalized. Cid Mohammed Bargash replied that these persons were, he supposed, naturalized to enable them to enjoy in the United States the same rights and privileges as the citizens of that country, and that he could not believe it was the desire of the United States' Government, which had always been friendly towards that of Morocco, that Moorish subjects who had visited the United States should return to their native country to settle, and throw off their allegiance to the Sultan, and refuse to submit to the jurisdiction of His Majesty's authorities. Cid Mohammed Bargash added, if this rule is laid down, and we are compelled to accept it, thousands of Moorish subjects will go to Portugal or other neighbouring countries and remain a month or six weeks, and then return to Morocco with letters of naturalization, claiming to be exempted from taxation and Moorish jurisdiction.

I may observe that the families of naturalized Moorish subjects are also exempted from taxation and Moorish jurisdiction, and therefore, when of age, will probably be regarded as the citizens or subjects of the Governments which had issued the letters of naturalization to their parents, even after the demise of the latter.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 102.

Mr. West to the Marquis of Salisbury.—(Received April 12.)

(No. 69.)

My Lord,

Madrid, April 8, 1880.

I HAVE the honour to inform your Lordship that General Fairchild, the United States' Representative at this Court, has been appointed Delegate to the Conference about to be held at Madrid on the question of the irregular protection afforded to Moorish subjects by the foreign Diplomatic and Consular Officers in Morocco, and that he has received full powers to act in that capacity.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 103.

Mr. West to the Marquis of Salisbury.—(Received April 12.)

(No. 70.)

My Lord,

Madrid, April 8, 1880.

WITH reference to your Lordship's despatch No. 64 of the 6th instant, I have the honour to inform your Lordship that at an interview which I had yesterday with the Spanish Minister of State, I told his Excellency that Her Majesty's Representative at Tangiers had been instructed to inform the Sultan of the proposal to invite Russia to assist at the Conference, and to express the hope of Her Majesty's Government that His Majesty would agree to it.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 104.

Mr. West to the Marquis of Salisbury.—(Received April 12.)

(No. 71.)

My Lord,

Madrid, April 8, 1880.

WITH reference to your Lordship's despatch No. 65 of the 3rd instant, I have the honour to inform your Lordship that the Spanish Minister of State told me yesterday that he would adopt the course suggested by your Lordship for avoiding the delay which might be caused to the meeting of the Conference by the length of time necessary for the transmission of the full powers of the Brazilian Representative.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 105.

Mr. West to the Marquis of Salisbury.—(Received April 13.)

(No. 73.)

My Lord,

Madrid, April 10, 1880.

WITH reference to your Lordship's despatch No. 47 of the 1st ultimo, and to my despatch No. 53 of the 12th of the same month, I have the honour to inform your Lordship that, at an interview which I had yesterday evening with the Spanish Minister of State, his Excellency put into my hands the draft of a Circular despatch addressed to the Spanish Representatives at Berlin, Vienna, Brussels, Rio de Janeiro, Copenhagen, Washington, Paris, the Hague, Rome, Lisbon, St. Petersburg, Stockholm, and Tangiers, inviting the respective Governments to which they are accredited to appoint delegates to the Conference which, at the instigation of Her Majesty's Government, and with the approbation of the Spanish Government, it is proposed should be held at Madrid upon the question of foreign protection afforded to Moorish subjects in Morocco. This despatch was couched in language based on the suggestions contained in your Lordship's despatches No. 46 of the 27th February and No. 47 above referred to, and which I submitted to Señor Canovas del Castillo, as reported in my above-mentioned despatch No. 53, while special insistence is put upon the expediency of nominating delegates who have not hitherto taken part in the discussions on the question of foreign protection at Tangiers. I then communicated to his Excellency the substance of your Lordship's despatch No. 64 of the 6th instant, and he replied that, as he had reason to believe, from what he had himself heard from Tangiers, that no objection on the part of the Government of Morocco to the presence of a Russian delegate at the Conference would be made, he would no longer delay the transmission of the invitations; and that he hoped, as indicated therein, that the delegates might be able to assemble on the 15th May next. The Brazilian delegate, he anticipated, would be in possession of his full powers by that time.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 106.

Sir H. Elliot to the Marquis of Salisbury.—(Received April 19.)

(No. 161.)

My Lord,

Vienna, April 12, 1880.

WITH regard to the question of irregular protection in Morocco, the Austro-Hungarian Government have officially intimated by a note, translation of which is herewith inclosed, their willingness to take part in the Conference about to meet at Madrid, and, in concurrence with the views expressed by Sir J. Hay, have determined to appoint Count Ludolf, the Imperial and Royal Minister at the Spanish Court, to act as their Representative.

As instructed by your Lordship, I have expressed the satisfaction of Her Majesty's Government at Count Ludolf's nomination upon this Commission, of which I had been able to inform your Lordship before it was officially announced.

I have, &c.

(Signed) HENRY ELLIOT.

Inclosure in No. 106.

Baron Kallay to Sir H. Elliot.

Vienna, April 3, 1880.

(Translation.)

WITH reference to the communications recently made by his Excellency Sir H. Elliot respecting irregular protection in Morocco, the Minister for Foreign Affairs has the honour to state that the Imperial and Royal Government are ready to take part in the Conference about to meet at Madrid in order to remove the difficulties that now exist with regard to this question.

The Imperial and Royal Government agree with the opinion expressed by Sir J. D. Hay, viz., that the Representatives at this Conference should not be those of the Powers in Morocco, who have been unsuccessful in the past negotiations, but that others should be appointed who have been in no way mixed up with the points in dispute, and would thus be far more inclined to take an unprejudiced view of the case.

The Imperial and Royal Government have, therefore, determined to appoint as their Representative at the Conference Count Ludolf, the Imperial and Royal Minister at the Spanish Court, who will at the same time receive instructions to communicate with the Spanish Government and with those of his colleagues who have been entrusted with a similar mission.

The Minister for Foreign Affairs reserves to himself the right to provide Count Ludolf with further instructions in accordance with the information received here respecting the progress of the affair, and also with the powers specially necessary for the occasion.

The Undersigned, &c.

(Signed) KALLAY.

No. 107.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 22.)

(No. 73.)

My Lord,

Camp on Seboo, Morocco, April 10, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 34 of the 30th ultimo, transmitting copy of a despatch addressed to your Lordship by Mr. Morier.

With reference to that part of Mr. Morier's despatch regarding Moorish subjects who obtain letters of naturalization, I have the honour to refer to my despatch No. 19 of the 10th February, transmitting a letter from Cid Mahommed Bargash, containing an extract from a Sultan's Edict, in which it is declared that Moorish subjects who are holders of letters of naturalization will be placed under the jurisdiction of the Moorish authorities on their return to this country.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 108.

Señor de Eldnagen to the Marquis de Casa Laiglesia.—(Communicated to the Marquis of Salisbury by the Marquis de Casa Laiglesia, April 23.)

Excellence,

Madrid, ce 10 Avril, 1880.

VOUS connaissez déjà par mes dépêches précédentes les démarches faites par le Représentant de la Grande Bretagne à Madrid dûment autorisé par son Gouvernement, pour arriver à une entente avec les Cabinets de l'Europe et de l'Amérique au sujet du droit de protection que les Légations ainsi que les Consulats étrangers exercent au Maroc. Le Cabinet de Londres jugeant que rien ne pouvait être plus efficace pour raffermir l'autorité du Sultan, dont le maintien dans toute sa force et dans toutes son étendue lui paraît de jour en jour plus nécessaire, qu'une intelligence commune au sujet de cette intéressante question, et ayant pu apprécier le peu de succès des Conférences qui avaient eu lieu à Tanger entre les Agents Diplomatiques et Consulaires accrédités auprès du Souverain du Maroc pour traiter et pour résoudre la question des protégés, proposait à M. le Duc de Tetuan, alors Ministre des Affaires Etrangères, par l'entremise du Représentant de Sa Majesté Britannique à la Cour de Sa Majesté le

Roi, la réunion d'une Conférence spéciale, composée des Délégués des Puissances intéressées dans la résolution de cette importante affaire, ajoutant que Madrid lui paraissait l'endroit le plus convenable pour l'assemblée de négociateurs.

Le Gouvernement du Roi, guidé par les mêmes sentiments et par des considérations semblables, n'hésita pas à s'associer à la pensée exprimée par le Cabinet de Londres, dont le but est que cette question des protégés et tout ce qui s'y rattache d'une façon intime et pour ainsi dire nécessaire, fut l'objet d'une négociation spéciale hors du Maroc, et en même temps qu'il déclarait sa conformité, M. le Duc de Tetuan ajoutait au nom du Cabinet dont il était un des membres, que l'Espagne serait heureuse d'accueillir dans sa capitale les Délégués des Puissances étrangères qui s'y rendraient pour prendre part aux travaux de la nouvelle Conférence.

Depuis lors le Gouvernement du Roi a reçu de M. le Ministre Plénipotentiaire de Sa Majesté Britannique à Madrid et des Représentants de l'Espagne à l'étranger plusieurs dépêches officielles d'après lesquelles il a pu se convaincre que la proposition du Gouvernement Anglais avait été favorablement accueillie dans les différentes Cours où ils ont l'honneur de représenter Sa Majesté le Roi, au point qu'il croit le moment arrivé de s'adresser directement aux différents Gouvernements intéressés à la question, afin qu'ils puissent, si tel est leur désir, désigner le Délégué qui devra les représenter dans la Conférence prochaine.

Ce simple exposé des faits doit suffire, à mon avis, pour que le Gouvernement de Sa Majesté Britannique puisse apprécier le véritable objet et l'étendue réelle de cette même Conférence. Cependant il me paraît utile de vous signaler une considération importante que le Gouvernement du Roi ne doit point passer sous silence dans son désir que les résultats avantageux qu'on se propose d'obtenir soient conformes au souhaits qui ont inspiré la réunion des Délégués.

Les négociations qui ont eu lieu à Tanger n'ayant point réussi, je pense qu'il conviendrait au dernier point qu'aucun des Représentants accrédités aujourd'hui au Maroc, ne prit part à la nouvelle Conférence. Sur ce sujet les Cabinets de Londres et de Madrid sont parfaitement d'accord. Tous les deux sont persuadés qu'il importe avant tout que les personnes désignées maintenant pour résoudre les questions en litige, soient libres de toute préoccupation issue de leurs impressions individuelles, afin de pouvoir obtenir plus aisément des résultats favorables aux intérêts communs, et qui soient d'accord avec la lettre et l'esprit de Traités actuellement en vigueur entre l'Empereur du Maroc et les Puissances Chrétiennes.

Le Gouvernement du Roi s'est occupé aussi, comme de raison, de l'époque à laquelle devrait avoir lieu la Conférence, et tenant compte de la saison ainsi que de l'avantage général qui résulterait de pouvoir obtenir le plus tôt possible l'accord si vivement désiré, il propose que la réunion des Délégués ait lieu le 15 du mois de Mai prochain.

Veuillez le faire savoir à M. le Ministre des Affaires Etrangères auquel vous donnerez lecture et laisserez copie de cette dépêche, priant son Excellence de vouloir bien vous dire si elle est d'accord avec nos propositions, et en ce cas de désigner le Délégué qui sera chargé de la représenter.

Agréez, &c.
(Signé) ELDNAYEN.

No. 109.

The Marquis of Salisbury to the Marquis de Casa Laiglesia.

M. le Ministre,

Foreign Office, April 28, 1880.

I HAVE the honour to acknowledge the receipt of your communication of the 10th instant, upon the subject of the Conference to be convened at Madrid for the purpose of taking into consideration the question of irregular protection afforded by foreign Legations in Morocco to subjects of the Sultan.

Her Majesty's Government are glad to find that their views on this subject are fully reciprocated by the Spanish Government, and that all the preliminaries to the meeting of the Conference, which have already been discussed, have met with their joint concurrence. It only remains, therefore, M. le Ministre, for me to inform you that full powers have been sent to Mr. West, Her Majesty's Minister at Madrid, to represent Her Majesty's Government at the Conference. He will be instructed to hold

himself in readiness to take part in its discussions, to commence on the 15th of next month.

I have, &c.
(Signed) SALISBURY.

No. 110.

The Marquis of Salisbury to Mr. West.

(No. 77.)

Foreign Office, April 28, 1880.

Sir,

I TRANSMIT to you, for your information, a copy of a communication which I have received from the Spanish Minister at this Court, requesting that Her Majesty's Government will appoint a Delegate to represent Great Britain at the Conference to be held in Madrid, upon the question of the irregular protection afforded by foreign Legations in Morocco to subjects of the Sultan.

You will already have received full powers to enable you to take part in the Conference, the first meeting of which, you will see by the communication from the Spanish Government, has been fixed to take place on the 15th of next month.

I also inclose, for your information, a copy of the reply which I have returned to the Spanish Minister's note.

I am, &c.
(Signed) SALISBURY.

No. 111.

Sir A. Paget to the Marquis of Salisbury.—(Received April 29.)

(No. 174.)

Rome, April 23, 1880.

My Lord,

WITH reference to your Lordship's despatch No. 83 of the 27th February last relative to a paragraph in the "Times," to which Sir J. Drummond Hay had called attention, to the effect that it was intended by the Italian Government to send M. Scovasso, the Minister at Tangier, as their Delegate to attend the proposed Conference at Madrid for the discussion of the irregular protection afforded by foreign Diplomatic and Consular Agents in Morocco to Moorish subjects, and directing me to express confidentially to the Italian Government the objections entertained by Her Majesty's Government to the appointment of the same persons who have already been engaged in the previous discussions on this question at Tangier to be Delegates at the Conference at Madrid; and with reference also to my despatch No. 82 of the 2nd March, reporting a conversation I had had with Count Maffei on this subject, in which he denied the accuracy of the information published by the "Times," expressing at the same time his concurrence in the views of Her Majesty's Government, and adding that Count Greppi, the Italian Minister at Madrid, would probably be named to represent the Italian Government at this Conference, I have the honour to inclose a paragraph which appeared in the "Italie" of the night before last, stating that M. Scovasso had been charged to proceed to Madrid to represent the Italian Government at the Conference upon Moorish affairs; but having communicated with Count Maffei on this subject, I have been assured by him that there has never been any idea of conferring this Mission upon M. Scovasso.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 111.

Extract from the "Italie," April 22, 1880.

LES CONFÉRENCES POUR LES AFFAIRES DU MAROC.—Le Commandeur Scovazzo, Ministre Plénipotentiaire du Roi d'Italie à Tanger, a été chargé de se rendre à Madrid pour représenter notre Gouvernement aux Conférences qui se tiendront dans cette ville afin de régler les affaires du Maroc.

No. 112.

Telegram addressed to Her Majesty's Representatives at Paris, Vienna, Berlin, Brussels, Copenhagen, the Hague, Rome, Madrid, Stockholm, Lisbon, and Washington.

Foreign Office, April 30, 1880, 4.50 P.M.

A TELEGRAM has been received from Her Majesty's Minister in Morocco stating that the Sultan assents with pleasure to the proposition that a Russian Representative should be invited to attend Conference at Madrid respecting irregular protection in Morocco.

No. 113.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received May 6.)

(No. 78.)

My Lord,

Dar Mekkee Kabash Fez, April 19, 1880.

I HAVE the honour to inform your Lordship that I have this day sent an express courier to Tangier with the following telegram:—

"Sultan assents with pleasure to proposal that Russian Representative should be invited to assist at Conference at Madrid."

As I shall not have an opportunity until the day after to-morrow of being received by the Sultan in a private audience, I requested Cid Boobekeer to explain verbally to His Majesty the proposal of the Spanish Government, and the hope that had been expressed by your Lordship that His Majesty would assent.

The Sultan without hesitation acceded to the proposal.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 114.

Sir A. Paget to Earl Granville.—(Received May 6.)

(No. 202.)

My Lord,

Rome, May 3, 1880.

WITH reference to previous correspondence, I have the honour to inform your Lordship that Count Maffei informed me the day before yesterday that Count Greppi, the Italian Minister at Madrid, had been appointed to attend the Conference to be held in that capital relative to the irregular protection of Moorish subjects in Morocco as Representative of the Italian Government.

I have, &c.

(Signed) A. PAGET.

No. 115.

General Menabrea to Earl Granville.—(Received May 6.)

M. le Comte,

Londres, le 6 Mai, 1880.

LE 23 du mois dernier son Excellence le Comte Coello, Ministre d'Espagne à Rome, a communiqué au Ministre Royal des Affaires Etrangères une note Circulaire de son Gouvernement afin d'inviter les Puissances qui avaient donné leur adhésion au projet d'un échange d'idées sur la question des protections au Maroc, à désigner leurs Délégués à la Conférence Internationale qui aura lieu à Madrid le 15 Mai courant.

Par cette Circulaire le Ministère Espagnol fait remarquer qu'il serait à propos que les Représentants étrangers accrédités auprès Sa Majesté l'Empereur du Maroc, et qui ont pris part à la Conférence de Tanger, ne soient pas eux-mêmes choisis comme Délégués à la Conférence de Madrid.

En réponse à cette communication son Excellence le Chevalier Cairoli a déclaré, au Comte Coello, que, prenant en considération les motifs qui avaient conseillé la proposition du Cabinet Espagnol, il n'avait aucune difficulté à y accéder, et qu'il

avait par suite chargé le Ministre du Roi auprès de Sa Majesté Catholique de représenter le Gouvernement Italien à la Conférence de Madrid.

En portant ce qui précède à la connaissance de votre Excellence, d'après les instructions que j'ai reçues de mon Gouvernement, je saisis cette occasion pour vous renouveler, M. le Comte, l'assurance de ma plus haute considération.

(Signé) J. MENABREA.

No. 116.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received May 10.)

(No. 83.)

My Lord,

Dar Mekkee Kabash Fez, April 28, 1880.

MR. DIOSDADO having informed me that the opening of the Conference at Madrid on the subject of protection afforded to Moorish subjects by Diplomatic and Consular officers is to take place on the 15th May, I urged the Sultan to transmit full powers and instructions to Cid Mohammed Bargash, the Minister for Foreign Affairs, who has been selected for this mission, and to direct that he proceed without loss of time to Madrid. Four mounted couriers are to be dispatched to-morrow morning to Cid Mohammed Bargash, conveying the order of the Sultan that he proceed to Madrid, so as to arrive four or five days before the opening of the Conference.

Cid Mohammed Bargash will be accompanied by Cid Abdekerim as councillor, and by a Secretary; Cid Mohammed Skeerresh, one of the three Moorish youths educated at Chatham, will also accompany the mission in order to facilitate Cid Mohammed Bargash's communications with Mr. West.

Cid Alarby Brescia has been ordered to precede, if possible, the arrival of Cid Mohammed Bargash at Madrid. He is sent as Envoy to convey the congratulations of the Sultan to King Alfonso on his marriage.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

No. 117.

Mr. West to Earl Granville.—(Received May 10.)

(No. 87.)

My Lord,

Madrid, May 6, 1880.

WITH reference to my preceding despatch, I have the honour to inform your Lordship that the following are the Delegates who have been already named by their respective Governments to take part in the Conference about to be held at Madrid on the question of the irregular protection afforded to the subjects of the Sultan of Morocco by the foreign Diplomatic and Consular Agents at Tangier:—

Germany, Count Solms; Austria, Count Ludolf; Belgium, M. Auspach; United States, General Fairchild; France, Admiral Jaures; Holland, M. Helderwier; Italy, Count Greppi; Portugal, Count Casal Ribiero; Sweden, M. Akerman.

The above Delegates are the Representatives of their respective Governments at Madrid. Señor Canovas del Castillo will represent Spain, and Cid Mahommed Bargash Morocco.

A Spanish vessel of war has been sent to Tangier for the conveyance of the Moorish Delegate and suite.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 118.

Messrs. Montefiore and Henriques to Earl Granville.—(Received May 14.)

My Lord,

London, May 12, 1880.

WE learn from Sir Charles Dilke, through Mr. Arthur Cohen, Q.C., M.P., that it would be your Lordship's pleasure to receive a deputation from the London Committee of Deputies of the British Jews and the Anglo-Jewish Association at the

Foreign Office on Friday next, the 14th instant, at 4 P.M., upon the subject of Consular protection in Morocco and the condition of the Jews in that Empire; and we have to state to your Lordship that the gentlemen appointed to constitute the deputation will have the honour of waiting upon you at the time and place named.

We propose to-morrow forwarding to your Lordship a copy of the memorial from the conjoint bodies upon the subject in question.

We have, &c.

(Signed) J. M. MONTEFIORE, *President of the London Committee of Deputies of the British Jews.*
ALFRED G. HENRIQUES, *Vice-President and Chairman of Executive Committee for the Anglo-Jewish Association.*

No. 119.

Mr. Emanuel to Earl Granville.—(Received May 14.)

London Committee of Deputies of the British Jews,
36, Finsbury Circus, London, E.C., May 13, 1880.

My Lord,
BY direction of Mr. Joseph M. Montefiore, President of this Board, I have the honour to hand you herewith copy of a memorial upon the subject of Consular protection in Morocco, the original of which will be handed to you by the deputation from this Board and from the Anglo-Jewish Association which will wait upon you to-morrow.

I have, &c.

(Signed) LEWIS EMANUEL, *Solicitor and Secretary.*

Inclosure 1 in No. 119.

Messrs. Montefiore and Simon to Earl Granville.

My Lord,

WE, the Presidents of the London Committee of Deputies of the British Jews and of the Council of the Anglo-Jewish Association, have learnt that it is proposed to limit to a very material extent the Consular protection hitherto accorded to inhabitants of Morocco who are engaged in trade and commerce, and that this proposal will shortly be submitted at Madrid to a Conference of the Powers.

The apprehension that the deliberations of the Conference may possibly lead to an abrogation of the privilege of giving protection to indigenous persons has produced the utmost consternation amongst the Jews in the Moorish Empire, they having always regarded Consular protection as the best safeguard both for their personal security and for the conduct of their business transactions.

Amongst the 500 or 600 individuals who at the present time enjoy protection in Morocco there are 103 Jews. Yet the influence of this privilege is felt far beyond the area of protected persons, and constitutes an effective restraint upon the lawless portion of the Moorish population.

Your Lordship is fully aware of the ill treatment, humiliations, and murderous outrages to which the Jews in Morocco are so frequently exposed, and of which the archives of the Foreign Office furnish abundant evidence.

Appeals are constantly received, in which we are implored to make representations to Her Majesty's Government on the lamentable condition of our co-religionists in Morocco. Documents of recent date, referring to the withdrawal of protection and to the perpetration of terrible outrages and indignities, are here appended.

Notwithstanding the Firman which, at the instance of Sir Moses Montefiore, the late Sultan granted in 1864 for the benefit of all non-Mahommedans, the Jews cannot obtain justice from a Moorish Tribunal, their testimony not being received in Court, and thus it occurs that judgment in suits between Mahommedans and Jews is virtually given on *ex parte* statements. Under these circumstances, it is only through the good offices of the foreign Consuls that the Jews in Morocco are enabled to preserve their lives and to secure their property.

Even a partial withdrawal of protection would therefore be regarded as a most disastrous calamity by the Jews, who, as is attested by eminent writers on the affairs

of Morocco, form the most active, industrious, and useful portion of the population in that country.

It is at the same time an acknowledged fact that the continuance of commercial intercourse between the British Empire and Morocco depends upon the practical application of those principles of public right which have been hitherto upheld by Consular protection.

Whilst the relations of the Moors with non-Mahommedans would appear chiefly to be a question affecting the internal condition of Morocco, it happens in the present case that the cause of humanity fully coincides with those great commercial interests which concern the mutual relations of Morocco with England and her dependencies. We are convinced that Her Majesty's Government, in concert with the foreign Powers, is always prepared to assist in mitigating the evils to which we have referred.

Relying on the wisdom of Her Majesty's Government, we entertain the hope that a mode of protection may be devised which, whilst satisfying the demands of humanity, and without in any way depriving the Moorish Government of the legitimate sources of its revenue, will provide that the enjoyment of public rights by all non-Mahommedans shall be duly secured.

With regard to this important subject we beg to make the following suggestions:—

1. In order to improve the status of non-Mahommedans, without impairing the good feeling which ought to exist throughout the entire population, the removal of all disabilities of the non-Mahommedan population should be secured by Treaty, and that such Treaty should embrace the following provisions:—

(a.) Special Courts should be established open to all non-Mahommedans, at which their testimony should be received as valid.

(b.) The provincial and local authorities should be deprived of the right of inflicting the bastinado, or any other bodily torture, nor should they be permitted to keep persons imprisoned without trial.

(c.) It should be declared to be unlawful to compel non-Mahommedans to walk bare-foot, or to impose on them any other personal indignity.

2. For the greater protection of the lives and the property of non-Mahommedans, overseers to be elected by members of their own community should be authorized to communicate upon the affairs of their brethren with such authorities as may best seem fitted to afford the fullest protection to that community.

Bearing in mind that through the powerful influence of Her Majesty's Government African populations have been relieved of the miseries of slavery, and that Great Britain has at all times taken the lead in asserting the rights of humanity, we venture to hope that at the proposed Conference at Madrid the Representatives of Her Majesty's Government will propose such remedial measures as will effectually ensure the security and welfare of the Jews (numbering nearly 300,000) who reside in the Moorish dominions.

We have, &c.

(Signed) J. M. MONTEFIORE, *President of the London Committee of Deputies of the British Jews.*
JOHN SIMON, *Vice-President of the Anglo-Jewish Association.*

Inclosure 2 in No. 119.

Memorandum on the Protection in Morocco.

ALL Ministers, Consuls, and Consular Agents in Morocco grant protection to the native members (Jewish or Mahommedan) of their households from the dragoman down to the simplest menial.

All native employes of European residents in the country enjoy similar protection.

Unprotected Jews of whatever rank, from the highest to the lowest, are considered fair objects for ill-treatment and insult by all classes of Moors in Morocco.

Moorish children, as well as adults, insult and strike Jews of all ages in the streets in open daylight.

In Christian countries where intolerance reigns, it is generally the civil law which places the Jew under disabilities, and it is generally anticipated that, as such countries

become more civilized, the exclusive laws will be abolished and equality for all creeds before the law established.

In Mahomedan countries it is different. It is not the civil law, it is the religious law which enacts that the testimony of Jews or infidels shall not be accepted if opposed to the testimony of a Mahomedan, and measures are necessary to counteract the injuriousness of such laws.

So far as regards the Christian in Morocco, the exclusive laws are powerless. All Europeans, whatever be their station, are perfectly assured of all their rights, liberties, and privileges, and, in fact, they inspire the Moors with a wholesome dread.

Those who have witnessed the sufferings of the Jews have noticed the abject terror in which the Mahomedan stands with regard to the European.

If a Mahomedan so far forgets himself as to strike or annoy a European, he is forthwith summoned before the Governor and severely punished.

If a Moorish debtor endeavours to evade payment of his debt to a European, he is imprisoned even for years until the debt is paid, and should the debtor live in the interior of the country, he is brought to the seaport to satisfy his European creditors.

If a Moor insult or strike the Moorish or Jewish servant of a European resident he receives immediate punishment at the hands of the Governor.

This very limited amount of protection to the native servants of European residents has in itself a salutary effect; the difficulty of distinguishing in the streets the unprotected from the protected Jew is sufficient to insure to nearly the whole Jewish population of the town an immunity from molestation.

Contrast the position of the unprotected wealthy Jewish merchant with that of the poor Jewish Consular servant, over whom theegis of protection is held. This latter walks along in the conscious enjoyment of liberty, of freedom from insult and oppression; his testimony in a Court of Law is received on an equal footing with the testimony of a Mahomedan; in short, he feels that he is a free man. The wealthy Jew, on the other hand, even if he be one of the heads of the congregation, walks stealthily along the streets with crouching gait, for he feels that he is open to insult and contumely, liable to be constantly plundered by his Mahomedan debtors, and that his testimony is not accepted in a Court of Law.

It is therefore no wonder that the well-to-do Jews of Morocco eagerly seek foreign protection. It is not for any undue privilege that protection is sought; it is sought for the purpose of breathing the fresh air of liberty, and of being placed on an equality with their fellow men.

Mahomedan merchants are likewise anxious to obtain European protection. In their case, however, it is for commercial advantages alone. They labour under no religious disabilities.

It is true that in some European countries the Jews have been ill-treated, and the remonstrances of the more civilized Powers on behalf of their bitter treatment have proved futile, and all intervention has been actually resented; but in such countries there is always the hope that things will mend in the course of time. In Morocco, however, there is no hope of improvement so long as the present religious law remains in force.

In that country the Representatives of European Powers can exercise that particular influence for protecting the oppressed Jews which they could not expect to possess elsewhere. Is that influence now to cease? Is the Jew, after having been protected successfully for many years, now to be abandoned to the tender mercies of the Moor?

It were better far that the Jew had never known the enjoyment of liberty; better far that he had never been rescued from the persecution of the Moor, if he is now to be handed back to the cruelty and lawlessness of his uncivilized oppressor.

The Moors are anxiously awaiting the final decision of all civilized Governments who are supposed will unanimously withdraw their protection from the Jews throughout the Empire. Those Moors scarcely conceal their impatience, for during the late outrages in Fez, although as yet only one European Representative appears to have withdrawn his protection, the exulting cry of the Moors was that the Christians had deserted the Jews.

A European traveller visiting Morocco once witnessed in a synagogue a number of Jewish poor who were walking past the congregants, and receiving alms. In their midst was an insolent Mahomedan demanding with the rest his share of alms, and the congregants were too much afraid to give him a refusal. When, however, the

intruder observed that a European was present, he beat a hasty retreat. This happened in a country where it is almost death for a Christian or a Jew to enter a mosque.

Amongst numberless instances of arbitrary proceedings on the part of the Moorish authorities, the following instance may be mentioned: When uniforms have to be made for the soldiery, a raid is made into the mellah, or Jewish quarter, for all Jewish women, who are compelled to proceed to the Government store, and work up such uniforms day after day without receiving any remuneration whatever. On one occasion a woman, for refusing to do such work, was severely flogged in the presence of the Governor of the town.

It may be true that protection sometimes leads to a few abuses, but these are infinitely counterbalanced by the manifold advantages which accrue to an unoffending and useful portion of the inhabitants of Morocco, and the door is left open to the extension of those civilizing and beneficent influences by which the Moorish Empire may eventually be redeemed from its present unhappy condition.

There appears to be no need for any other precautionary measure than the one of warning the Jews that in the event of their abusing the privileges which they have hitherto enjoyed their conduct will be the subject of a searching investigation before a Mixed Consular Court, and if found guilty, the delinquents will immediately forfeit their privilege of protection.

To sum up the foregoing remarks it should be observed, that if protection be withdrawn from the Jew in Morocco he will be insulted, beaten, and robbed, forced to walk barefooted before the mosques, and such other parts of towns as are considered sacred. He will, in fact, be subjected to endless indignities and acts of injustice and oppression.

The wealthy Jews will migrate to Algeria and Europe, leaving behind them hundreds of thousands of their poorer brethren to battle for themselves against the countless miseries inflicted by their tyrannical masters.

Inclosure 3 in No. 119.

Extracts from Confidential Letter from Fez, dated the 22nd February, 1880, in correction of previous Statements relative to recent Outrage in that Town.

THE Moorish authorities have attempted by false rumours to weaken the painful impression which the murder of Abraham Elaloof at Fez has caused in Morocco as well as in Europe. A report has therefore been circulated that Elaloof provoked his assailants by drawing a knife. An account given by Jewish eye-witnesses is to the following effect:—

Some men living near Fez saw a Mahomedan rushing forth from the city gate, and another Mahomedan running after him, who called out, "Catch him, he is a fugitive." He was caught by a Jew, who stated that he was under French protection, having served seven years in the French army. The Mahomedans, seeing that a Jew seized one of their creed, pursued and wounded the Jew. But the captured Moor likewise received a slight wound. Some of the attendants of the Governor brought the Mahomedan to the Court-house, and he, fearing that his guilt would be proved, seized the black cap of a Jewish bystander, put it on his head, and called out, "You are interesting yourself for the Jews: I desire to become a Jew." A great tumult ensued, and his Jewish captor, having been nearly beaten to death, was carried by some Jews into an adjoining prison to save him from his assailants. The mob meanwhile exclaimed that the shedding of Jewish blood was lawful. An attack was now made on the Jews passing by, among them being the venerable and respected Abraham Elaloof. The mob cast him on the ground, poured petroleum over him, lighted it, placed wood on the fire, and burnt him whilst still alive. The remainder of the story does not differ materially from the narrative previously given. The letter further gives an account of the insults to which Jews in the interior are exposed. Some of the details corroborate the accounts given of attacks on Jews at Taza and other places. For example, at Mequinex the Jews have been forbidden to wear sandals. It appears that the Governors issue such prohibitions for the purpose of extorting bribes. The Moors, to torment the barefooted Jews, now and then throw pieces of broken glass into the thoroughfares through which the Jews have to pass. Various correspondents implore aid for the further protection of their Jewish countrymen, and for shielding them from the persecutions they endure both at the hands of Governors and

of individual Moors, who, in committing acts of cruelty, exclaim that a Jew may be insulted many times before punishment reaches the aggressor.

A writer from the interior states:—

"We are now exposed to greater danger, because a report has been spread that the European Consuls will cease to afford us protection. Formerly they granted to a respectable person exposed to ill-treatment a document called 'Chamia.' This was a warrant whereby the oppressed escapes from the oppressor. This benefit will now be withdrawn. Here there are no foreign Consuls. We are, therefore, treated with contempt, flogged, and cruelly tormented. A Mahommedan may publicly seize and strike a Jew, may employ every kind of abusive language, and afterwards produce false witnesses, who attest that it is the Jew who was the aggressor, and that he had insulted or cursed the Mahommedan. In such a case the Jew is relentlessly flogged. He is dragged to the dungeon, tormented, and fined.

"This year a Jew was stabbed and killed by a Mahommedan debtor because he threatened to bring him to a Court of Justice. Although the case was tried by the local Tribunal the widow received no redress, because Mahommedan witnesses refused their testimony in her favour." The writer concludes: "We entreat you not to abandon us whilst the fury of irresponsible men threatens our homes and our lives."

No. 120.

Mr. West to Earl Granville.—(Received May 15.)

(No. 96.)

My Lord,

Madrid, May 12, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 81 of the 3rd instant, transmitting a full power granted to me under the great seal authorizing and empowering me to carry on negotiations with the Delegates of other Powers who are about to meet at Madrid to discuss the question of the irregular protection afforded to Moorish subjects in Morocco by Diplomatic and Consular officers, and to inform your Lordship that I received the full power this day by the German messenger from Paris.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 121.

Mr. West to Earl Granville.—(Received May 17.)

(No. 100. Confidential.)

My Lord,

Madrid, May 14, 1880.

WITH reference to Sir J. D. Hay's despatch to the Marquis of Salisbury No. 24 of the 13th February last, I have the honour to inform your Lordship that M. Scovasso, the Italian Representative at Tangier, has arrived in Madrid. He has, however, hastened to inform me that it is his intention to return to Tangier as soon as the Conference meets, and that the only object of his visit was to put Count Greppi, the Italian Delegate, *au courant* of the questions to be discussed. He added that his Government were most desirous that the abuses complained of by the Moorish Government should be put a stop to, and expressed his cordial approval of Sir J. D. Hay's endeavors to this effect. I told M. Scovasso that I was glad to learn that no difference of opinion seemed now to exist on this subject, and that I trusted such would prove to be the case in the Conference.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 122.

Mr. West to Earl Granville.—(Received May 19.)

(No. 102.)

My Lord,

Madrid, May 16, 1880.

I HAVE the honour to inform your Lordship that a preliminary meeting of the Delegates appointed to take part in the Conference at Madrid on the question of the protection afforded to Moorish subjects by the Diplomatic and Consular officers at Tangier took place yesterday, at the official residence of the President of the Council of Ministers.

The majority of the Plenipotentiaries not having received their full powers, the Conference could not be constituted, and only points of etiquette were discussed.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 123.

Extract from the "Times" of Wednesday, May 19, 1880.

CONSULAR PROTECTION IN MOROCCO.—Lord Granville, with whom was Sir Charles Dilke, yesterday received a deputation from the Council of the Anglo-Jewish Association and the Board of Deputies of British Jews on the Consular protection of Jews in Morocco. A Conference of the Powers is at present sitting to consider this subject at Madrid, and it has been proposed to abolish altogether the protection extended by the Consuls of the European Powers to native subjects of Morocco. The persons attached to the Consulates as servants and agents have long had immunity from the ordinary laws of the country, and the subjects of the Christian Powers have also enjoyed for centuries a right to be tried by their own Consuls and not by the Mahommedan Tribunals, similar to the rights possessed by foreigners in Turkey under the Capitulations, and recently systematized and extended in Egypt. It was a privilege the basis of which was traced in the memorial of the deputation to the precept of the Koran which forbids the oath of the heretic to be admitted against that of a Mahommedan. The advantage of possessing the privilege is so obvious that persons not really servants of the Embassies, and not by birth subjects of any Power except Morocco, have in that country been enrolled among those entitled to protection in virtue of some nominal submission to a foreign Power and payment of fees to the Consul. This also is similar to a practice which has prevailed in various parts of European and Asiatic Turkey. Recently, however, complaints have been made by the Moorish Government against the rights thus acquired. It was stated by the deputation that 500 or 600 inhabitants of Morocco have in this way acquired the enjoyment of Consular protection, and that 103 of them are Jews engaged in the foreign or home trades; and the deputation, while admitting that there was a theoretical irregularity in the way in which these persons, being not, in fact, subjects of any State but Morocco, did yet enjoy the protection which saves strangers from oppression in the seaports of that country, represented that this irregularity had really beneficial results, and that, instead of its being checked, the principle of affording the protection of the civilized Powers to non-Mahommedan litigants in Morocco should be extended and legalized as in Egypt. In a letter from the interior quoted in a memorandum submitted to the Foreign Minister by the deputation, the writer said: "We are now exposed to greater danger, because a report has been spread that the European Consuls will cease to afford us protection. We are therefore treated with contempt, flogged, and cruelly tormented." The memorial further prayed that, in order to improve the status of non-Mahommedans without impairing the good feeling which ought to exist throughout the entire population, the removal of all disabilities of the non-Mahommedan population should be secured by Treaty, and that such Treaty should embrace the following provisions: Special Courts should be established, open to all non-Mahommedans, at which their testimony should be received as valid. The provincial and local authorities should be deprived of the right of inflicting the bastinado or any other bodily torture, nor should they be permitted to keep persons imprisoned without trial. It should be declared to be unlawful to compel non-Mahommedans to walk barefoot or to impose on them any other personal indignity. For the greater protection of the lives and the property of non-Mahommedans, overseers, to be elected by members of their own community, should

be authorized to communicate upon the affairs of their brethren with such authorities as might best seem fitted to afford the fullest protection to the community. Bearing in mind that through the powerful influence of Her Majesty's Government the African population had been relieved of the miseries of slavery, and that Great Britain had at all times taken the lead in asserting the rights of humanity, the memorialists expressed the hope that at the proposed Conference at Madrid the representatives of Her Majesty's Government would propose such remedial measures as would effectually insure the security and welfare of the 300,000 Jews who reside in the Moorish dominions.

The deputation was received in the dining-room of the Foreign Office, and included, among others, Mr. Serjeant Simon, M.P., a Vice-President of the Anglo-Jewish Association; Mr. Arthur Cohen, M.P., Vice-President of the Board of Deputies; Mr. J. M. Montefiore, President of the Board of Deputies; Mr. Leopold de Rothschild, Mr. I. Seligmann, the Rev. A. L. Green, Mr. Leopold Scholoss, Mr. A. G. Henriques, Mr. Benjamin Kisch, Mr. Falk, Mr. Israel Davis, Mr. Lewis Emanuel, Secretary of the Board of Deputies; the Rev. A. Löwy, Secretary of the Anglo-Jewish Association; and many other Members of the Council of the Anglo-Jewish Association and of the Board of Deputies.

Mr. Serjeant Simon, introducing the deputation, referred to the British Treaty with Morocco of 1856, which, following the French Treaty of 1767, contained special provisions in favour of subjects of the Queen and "any other persons under her protection," and said that while the deputation did not lose sight of the inconvenience to an organized Government of having Consular protection in force, they still did ask that the special protection should be continued. The principle was not confined to Morocco; and, in the case of Turkey, Russia had, by the Treaty of Kainardji, obtained and exercised for some time the rights of protection over all those of like faith with the Russians in the Ottoman Empire, irrespective of their nationality. In this case the interests of commerce were the same as those of humanity, since the Jews who were protected by the Consular *regis* were the most active merchants and traders, and he might say almost the only merchants of Morocco, employed in a trade which, if not very considerable, did in fact amount to about half a million each way between this country and the Sherrefian Power. His Lordship was aware of the ferocity of the fanatical Mussulmans in the interior of Morocco, how a Jewish old man was recently burnt to death with petroleum, and that it was said that in one town there were thirty orphans, rendered so by the murders of fanatics. It was a common piece of oppression to taunt Jews in the streets, to force them to remove their sandals, to make a forced requisition upon all the Jewish women for sewing purposes when clothing for the army was required, and to flog those who refused to sew. A recent writer related that he saw Jewish women beautifully dressed go barefooted, and was told by them that they were obliged to remove their sandals on passing every mosque, and there were so many it was not worth while to wear shoes at all. Occasionally the Moslem boys would throw broken glass in the streets to annoy the barefooted Jews. As a Jew could not give evidence he might be attacked with impunity. In 1864 Sir M. Montefiore visited Morocco, and brought the case of the Jews, and of the Christians too, before the Sultan. He obtained a Firman putting non-Mahomedans on the same footing as Mahomedans; but it was impossible, owing to the religious feeling of the inhabitants of the country, to carry that out, and the protection which it was out of the question to expect from the native Tribunals could only be procured by foreign intervention, which the Moors dreaded above all things, since they had had experience of invasion. The Christians resident in Morocco were usually secured against oppression by being the subjects of foreign States, and neither they nor the Jews could be safe without the shield of an external Power. They asked the British Government not to abandon its Treaty rights, but to use them for the sake of humanity. The present system was open to abuse; let it be purged of its abuses, but not destroyed. If Consular protection implied immunity from taxation let that immunity be abolished, but let the protection not perish with it. The British, the French, the Spanish Governments had by their Treaties shown that they considered the principle of protection of others than their own subjects a proper principle, and the salutary influence of their protection was shown in the seaports, both in the treatment of those under protection and of those who, although not in the protected list, were comparatively respected because some of their race did enjoy the Consular protection. He asked that not only might the protection be continued, but that it might be extended.

Mr. Arthur Cohen, Q.C., M.P., said, in response to an invitation from Lord Granville, that it appeared to be clear that the present imperfect system was valued and

beneficial, and they might venture to ask that it should not be destroyed without some method at least as efficacious being substituted.

Mr. Henriques made representations to a similar effect.

Earl Granville, in reply, said:—I am much obliged to the gentlemen composing this deputation for having waited on me to-day. It is, perhaps, unnecessary for me to state, on behalf of Sir Charles Dilke and myself, that we are not persons likely to be indifferent to the claims of the Jews of Morocco, or to the claims of other persons in a similar situation, on Her Majesty's Government. We do not come to the matter as a new one, but we come to it when it is, to a great extent, completely dealt with. This meeting at Madrid has been settled, and settled on certain terms, and one of the terms is that no question is to be raised whatever except with reference to the irregular privileges now enjoyed. It occurred to me that those irregular privileges are perfectly indefensible, and I think that it has been admitted by the deputation. The question is, how far they are of practical use. The three gentlemen who have spoken have described them as very useful to the remainder of the Jews. The fact is, that out of the 300,000 Jews of Morocco there is a very small number indeed who have these privileges. I thought it was larger; I thought it was 1,500; but I have no doubt you are better informed, and it is, as you say, only 103. But it is said that the fact of this very small percentage being privileged exercises a beneficial influence over the treatment of the remainder. Now that Sir Drummond Hay, who speaks with immense authority on the point, utterly contradicts. It appears that there were great abuses connected with these irregular privileges: they are bought and sold, and got by fraud, and exercised most unjustly, and this practice does excite such a feeling of animosity against the Jews there that it injuriously affects the position of the great bulk of the people. The instructions have now gone out to the Conference, and they are in accordance with what has been the opinion for some time of the Foreign Office. All that I can say is that we can fairly deal with this; we cannot undertake in any way whatever to reverse the instructions, or to say that the meeting shall be one for the extension of the privileges instead of for the consideration of the irregularities connected with them. But Sir Charles Dilke and I will pay particular attention to that immediately on the conclusion of the meeting. We shall ourselves profit very much by what has been said to-day, which will guide us in using the whole influence of this country in getting protection against the insults and cruelty which have been described.

The deputation then withdrew, after Mr. Serjeant Simon had thanked his Lordship on the part of all for their reception.

No. 124.

Mr. West to Earl Granville.—(Received May 21.)

(No. 104.)

My Lord,

Madrid, May 17, 1880.

CID MOHAMMED BARGASH, the Moorish Plenipotentiary appointed to the Conference about to meet at Madrid to discuss the question of the protection afforded by the foreign Diplomatic and Consular Officers at Tangier to Moorish subjects, called upon me yesterday, accompanied by the Interpreter to the Mission, Señor Orfila. His Excellency said that he had great confidence in the friendly intentions of Her Majesty's Government—as from time to time expressed to His Majesty the Sultan by Sir J. D. Hay—in endeavouring to bring about a satisfactory settlement of a question which was of such vital importance to His Majesty's Government, as affecting not only the internal administration of his Government, but also his relations with the foreign Powers who were represented at his Court, the majority of whom, he said, had already admitted the existence of many of the grievances of which the Sultan's Government complained. He should deprecate, therefore, the renewal, in the Conference which was about to meet, of the discussions which had taken place at Tangier upon proposals which had been more or less accepted by the Plenipotentiaries there, or the acceptance of which might be counted upon; and he wished to formulate anew those points upon which the Plenipotentiaries were not all agreed for the consideration of the Conference.

As I was aware that this course had been suggested to him, and as I considered that it might simplify the deliberations of the Conference, and perhaps tend to avoid a repetition of the arguments already used without result, I replied to Cid Mohammed Bargash that I coincided in his opinion as to the expediency of a fresh form for the

demands of the Moorish Government originally put forward at Tangier being drawn up, which, by reducing their number without at the same time altering their import, would place the points of disagreement before the Plenipotentiaries in a more equitable light as regarded their importance to the Sultan's Government and his legitimate jurisdiction within his own dominions. I said that, in fact, the demands originally put forward might, I conceived, now be reduced to four points for discussion, which, if judiciously formulated, would offer a fair chance of attaining the object for which the Conference had been assembled. They were:—

1. The right of protection under the stipulations of the Treaties.
2. The latitude of protection to be accorded to commercial agents subjects of the Sultan.
3. The liability to taxation of foreign subjects engaged in agricultural and other commercial pursuits.
4. The rights of Moorish subjects naturalized in foreign countries when returning to their native country to reside therein.

Cid Mohammed Bargash replied that I had mentioned the four points which had already suggested themselves to him, and that he would endeavour to put them before the Conference in a suitable form.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 125.

Mr. West to Earl Granville.—(Received May 24.)

(No. 106.)

My Lord,

Madrid, May 19, 1880.

I HAVE the honour to inform your Lordship that the first meeting of the Conference took place to-day. All the Plenipotentiaries attended, with the exception of the Brazilian Plenipotentiary, who has not as yet received his full powers.

Count Solms, the German Minister, proposed that the Presidency should be vested in Señor Canovas del Castillo, which proposal was unanimously agreed to. Señor Canovas then explained the object of the Conference, and called upon the Moorish Plenipotentiary to lay before it his demands. A short discussion then ensued as to their form, and it was agreed to adjourn the Conference until Cid Mohammed Bargash had drawn them up.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 126.

Mr. West to Earl Granville.—(Received May 27.)

(No. 109.)

My Lord,

Madrid, May 24, 1880.

I HAVE the honour to inclose herewith to your Lordship printed copy of the additions to the original demands of the Moorish Government Nos. 1, 14, 15, and 16, inclosed in Sir J. D. Hay's despatch No. 50 of the 28th July, 1879, which will be presented to the Conference to-day. At my request Cid Mohammed Bargash, instead of using the phrase "C'est pourquoi nous voulons annuler le Règlement de 1863," as he had drafted it, altered it as it now stands in the last paragraph of the demand No. 1.*

I have, &c.
(Signed) L. S. SACKVILLE WEST.

* See Confidential Paper No. 3972, p. 4.

Inclosure in No. 126.

Demandes présentées par Sid Mohammed Vargas à la Conférence de Madrid.

(Traduction de l'original Arabe.)

Louange à Dieu Unique !

Additions à la Demande No. 1.

QUANT à la Convention ou Arrangement de 1863, par lequel la protection a été jusqu'ici accordée aux agents (courtiers ou censeurs) des négociants étrangers, nous l'avons essayé depuis près de dix-sept ans, et avons constaté qu'il cause des préjudices aux transactions commerciales dans l'intérieur du pays, et dans les villes de la côte, et qu'il entrave l'administration de justice et le maintien de l'ordre dans les marchés de l'intérieur et les cités, ainsi que nous l'avons démontré dans la séance du 19 Juillet, 1879, en répondant aux propositions faites par M. le Ministre de la Grande Bretagne à Tanger au sujet des demandes 14, 15, et 16.

C'est pourquoi nous vous prions de vouloir bien chercher avec nous un moyen de transaction pour parvenir à une solution, qui, tout en évitant ces préjudices, soit également avantageuse aux négociants sujets du Sultan et aux sujets étrangers.

Louange à Dieu Seul !

Aux Demandes Nos. 14 15, et 16.

Accomplissant la promesse faite par nous dans la séance tenue à Tanger le 19 Juillet, 1879, Sa Majesté le Sultan, ayant approuvé cette promesse qui se rapporte au commerce, parce que elle désire faciliter les transactions commerciales et porter aide à tout ce qui tend à leur développement, je vous sou mets les propositions suivantes :

Les agents (courtiers ou censeurs) des négociants étrangers seront choisis parmi les habitants des villes et des ports, et non parmi les habitants de la campagne.

Ils seront soumis à la juridiction locale. Si un de ces individus, se trouvant au service d'un négociant, venait à commettre un acte punissable qui rendrait nécessaire son arrestation dans la campagne, le Gouverneur de cet endroit pourra l'arrêter. En ce cas, un inventaire de tout ce qui se trouve entre ses mains sera dressé par les notaires publics et signé par l'agent, s'il sait écrire, en union des notaires. Ces biens seront gardés par le Gouverneur qui enverra l'agent arrêté au Gouverneur de la ville d'où il est parti pour être jugé par les autorités locales en présence du Consul : l'agent sera immédiatement éliminé de la liste des agents et le négociant nommera un autre pour se charger de ses biens.

Tout agent sera muni d'une lettre du Gouverneur de la ville d'où il procède constatant qu'il est l'agent d'un tel, afin que l'autorité de la campagne en soit prévenue.

De cette manière, la protection s'étendra sur les marchandises et sur l'argent des négociants étrangers.

S'il arrivait qu'un Gouverneur de la campagne commit une injustice contre un agent, la plainte sera portée au Ministre des Affaires Etrangères à Tanger, et une fois l'injustice constatée, l'agent obtiendra une satisfaction en proportion de l'injustice commise par ce Gouverneur.

Finalement, notre désir est d'ôter les préjudices, que les sujets du Sultan soient mis sur le même pied que les sujets étrangers, et que l'indépendance du Sultan et de ses autorités ne soit nullement lésée.

Louange à Dieu Seul !

De la Protection Irrégulière.

Vu que quelques-uns des Représentants à Tanger ont exprimé certaines craintes au sujet des personnes qui seraient rayées de leurs listes actuelles, et notre désir étant de faire disparaître ces craintes et d'annuler les propositions que nous avons faites dans nos deux lettres du 18 Février et 12 Avril, 1879, et reproduites verbalement à la séance tenue à Tanger le 19 Juillet de la même année, nous vous proposons maintenant au sujet de ces individus :—

Que toutes les questions relatives à héritages, biens immeubles, &c., qui sont du ressort de Chérâ, soient soumises au Kadi ainsi que cela se pratique aujourd'hui ; et

quant aux autres questions, telles qu'assassinat, querelles, &c., qui sont du ressort du Gouverneur, si l'ex-protégé ne voulait pas soumettre son affaire au Gouverneur, il aura le droit de la porter par devant le Ministre des Affaires Etrangères à Tanger. Une fois que la sentence aura été prononcée par le Ministre, si l'ex-protégé se croyait lésé, le dit Ministre n'aura aucune objection à écouter l'Ambassadeur et à lui expliquer les raisons et la base de la sentence.

Les Représentants devront remettre au Ministre des Affaires Etrangères une liste spéciale contenant les noms des individus qui ont été protégés et éliminés de la protection par suite de cet Arrangement, afin que les autorités locales soient prévenues sur le compte de ces individus.

(Signé) MOHAMMED VARGAS,
Dieu lui soit propice.

Pour traduction littérale,
(Signé) ANIBAL RINALDY.
ANTONIO M. ORFILA.

No. 127.

Mr. West to Earl Granville.—(Received May 28.)

(No. 110.)

My Lord,

Madrid, May 24, 1880.

I HAVE the honour to report to your Lordship that the second meeting of the Conference took place to-day, when Cid Mohammed Bargash presented the additions to the original demands of the Moorish Government inclosed in my preceding despatch. The French Plenipotentiary at once said, in language by no means conciliatory, that the additions to demand No. 1 were tantamount to the abrogation of the Convention of 1863, and he declined to entertain them or discuss the subject until he had received the instructions of his Government, to whom he had submitted them.

The President replied, in the most courteous and conciliatory language, that the additions of the Moorish Plenipotentiary to demand No. 1 under discussion could not be looked upon as a fresh demand, but as expressing the desire of the Moorish Government to modify an agreement, the working of which had given rise to the abuses complained of, and the modification of which had already been under discussion at Tangier. The French Plenipotentiary, however, refused to discuss the matter on these grounds, and declared again that he must await fresh instructions. The President thereupon appealed to the Moorish Plenipotentiary to withdraw the additions as not really affecting the object he had in view, and he consented to do so. He then proposed that the Conference should continue the discussion of the other points, but the French Plenipotentiary still persisted in his determination not to take part in it, and the President therefore adjourned the Conference until the 26th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 128.

Mr. West to Earl Granville.—(Received May 28.)

(No. 111.)

My Lord,

Madrid, May 25, 1880.

WITH reference to my preceding despatch, I have the honour to observe to your Lordship that the language held by the French Plenipotentiary at the Conference yesterday would seem to indicate the intention of the French Government to maintain the Convention of 1863 as an international compact, whereas it is, in fact, merely an Agreement signed by the French and some other Representatives (amongst whom was the Spanish Representative) and the Moorish Government.* Sir J. D. Hay remarks that, when objections were raised to the continuance of that Agreement, M. de Vernouillet, the French Representative at Tangier, said at a meeting on the 27th March, 1879:—"S'il convenait au Gouvernement Marocain de se délier de lui-même des engagements qu'il a pris avec la France, qu'il le dise. Il peut le faire."

It seems, therefore, somewhat strange that when the Moorish Plenipotentiary proposes only a modification of it as incompatible with the jurisdiction of the Sultan,

* See remarks of Sir J. D. Hay, Inclosure in No. 83, ante.

the French Plenipotentiary at Madrid should declare it to be an international compact, the continuance of which he insists upon, and which, if it is so to be considered, would be opposed to previous Treaty stipulations,* which distinctly provide that agents, subjects of the Sultan, shall be considered and treated as the rest of the subjects of Morocco.†

M. Scovasso, the Italian Representative at Tangier, who has lately been here, has no doubt influenced the attitude and language of both the French and Italian Representatives.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 129.

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received May 31.)

(No. 91.)

My Lord,

Camp at Sherarda, May 13, 1880.

I DID not receive written replies to the various notes and memorandums which I had presented for the consideration of the Sultan until the evening of my departure from Fez; I shall not therefore have time to translate them all until I return to Tangier, but as I think it desirable that Her Majesty's Minister at Madrid should be put in possession without loss of time of the arrangements which have been made by the Sultan in consequence of my representations, with the view of endeavouring to secure a better administration of justice to his Jewish subjects, I forward by a special courier this despatch, under flying seal to Mr. West, inclosing the translation of a letter addressed to me by the Vizir, making known by desire of the Sultan the instructions which have been given to Cid Mohammed Bargash, and the Royal orders that have been sent to the Governors of the towns and provinces regarding the mode of procedure to be adopted when Jews are denied justice by the Sultan's officers.

In a private audience of the Sultan I brought under the notice of His Majesty the oppression and injustice which his Jewish subjects suffer from, and I stated to His Majesty that many of the Governors of the provinces turned a deaf ear to the pleadings of relatives of Jews who had been murdered and their property carried off. I suggested that the Jewish population of Morocco should be empowered by the Sultan to select one or two deputies of their creed to reside at the Court, and that these persons should be authorized to report to His Majesty all cases where the Governors had refused or failed to do justice; but as one of the Chief Secretaries at the Court told me confidentially that he feared such an arrangement would never succeed, as, he said, the Governors might bribe the Vizir or other officers at the Court to prevent the Jewish deputy from bringing under the notice of the Sultan their misconduct, or that if the deputy succeeded he might become a victim of their revenge, I withdrew my suggestion, and proposed that the Moorish Minister for Foreign Affairs should be appointed to receive the complaints and appeals of the Sultan's Jewish subjects. This latter suggestion has been adopted.

Cid Mohammed Bargash is just and not corrupt, like Moorish officers are in general. Such an arrangement, moreover, will render it unnecessary for the Jewish subjects of the Sultan who cannot obtain justice to refer their cases to the foreign Representatives at Tangier, or to the Israelite Associations in Paris and London, as frequently happens, which occasions an official or officious interference.

As the Minister for Foreign Affairs resides at Tangier, the present arrangement will enable the British or other foreign Representative to use his good offices, if necessary, in cases brought under his knowledge of tyrannical or unjust proceedings of the Governors, and to prompt Cid Mohammed Bargash to act with energy and decision.

It appears to me that this mode of procedure will be far preferable to that of a foreign Representative receiving appeals direct from the Jewish subjects of the Sultan, which necessitates an interference with the administration of justice.

Your Lordship will observe that I took an opportunity of bringing under the notice of the Sultan three murders of Jews, which the relatives of the deceased had begged me to make known to his Majesty. I am assured, as will be seen by the Vizir's letter, that orders have been issued by the Sultan that justice be done. Royal letters were

* See Article IV of Convention of 1856 with Great Britain.

† Article XLVII of Treaty of 1861 with Spain.

given to me to deliver to the plaintiffs. I may observe that I am not surprised that the Jewish subjects of the Sultan find difficulty in obtaining redress, for I know not a single case of late years in which a Mahommedan guilty of the murder of a co-religionist has been condemned to death, or that blood-money has been paid to the heirs of the deceased.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 129.

Cid Mohammed Ben Moktsar to Sir J. Drummond Hay.

(Translation.)

(After compliments.)

25 Joomad, 1297 (May 5, 1880).

WE have received the memorandum in which it is stated that the reports which have reached foreign Governments, through the Jewish Associations in Europe, of murders and robberies of their brethren in these dominions, and that the latter cannot obtain justice, as a deaf ear is turned to their pleadings, have produced very unfavourable impressions regarding the state of government in Morocco. You further state that the Jewish subjects of the Sultan declare that not only they cannot obtain justice, but that they are cruelly oppressed, and, amongst other grievances complained of is mentioned that of their being compelled to take off their shoes in the cities of Fez and Mequez.

You make known also to us that there are three cases of murder where redress has not been afforded: first, that of Mesooda, daughter of Draag, who states her husband, Isaac of Alcassar, was murdered at Ain Ekeer, in the Government of Habassy, and that his animals and property and some legal documents were robbed; secondly, that of the murder of the Jew Mesod Ben Youssef Gabay, of Almarmar, and that his son declares his father was murdered when proceeding from the town of Saffee to Marmara, and that several people accompanied him; and, thirdly, the murder of the Sheikh of the Jews at Tazu.

We have understood also all that you suggest, namely, that Cid Mohammed Bargash should be authorized by the Sultan to receive the complaints and appeals of those Jews who cannot obtain justice from the Governors, and that he should report these cases to the Sultan, when he is unable to obtain a just settlement, and that the Shereefian orders should be transmitted to the Governors of the towns, ports, and provinces, and that a notification be also addressed to all the Jewish communities of this arrangement, and further, you recommend that the Governors should be warned that if they or others hinder the Jews from presenting their complaints or appeals to Bargash, that our Lord the Sultan will severely punish them.

We have communicated your language to our Lord the Sultan, and he has taken all you have said into consideration, and our Lord has written to Cid Mohammed Bargash regarding the Jews in conformity with your suggestions, and has directed that he bring under his knowledge all cases and complaints, and that no one should venture to prevent these appeals reaching His Majesty, for our Lord the Sultan desires that justice should be done to all his subjects, whether Jewish or others. It is, of course, to be understood that complaints put forward without proofs, evidence, or sufficient grounds will not be attended to, but, on the other hand, those which are proved to be true the inhabitants of the districts where the crimes may have been committed will be held responsible, and be compelled to pay penalties. The three especial cases you have referred to have been brought under the knowledge of the Sultan. Had you been aware of the communications which had already passed between us and the Governors upon these cases you would have known that many persons have already been arrested upon mere suspicion, without good proofs, and that even a relative of the Sultan, a Shereef, has been arrested on account of the murder at Tazu, and thus you would have known that they, the Jews, have deceived you in stating that no attention has been paid to their complaints. It is hardly necessary that I should point out to you how much exaggeration takes place in the statements of the Jews, nevertheless, we shall take active steps in conformity with the law, and cause justice to be done to them.

It will be necessary for the future that when Jews travel they should be careful not to give offence in their language or acts to the Mahommedans. In past times they were more careful.

With regard to the Jews being compelled to take off their shoes (in certain

towns), it is an ancient usage which was adopted when the Jews were allowed to establish themselves in these dominions; they then bound themselves to observe this usage, and if it was done away with the pact with them would cease also to be in force.

As the Ooolama and Moorish population would regard with displeasure an alteration of this usage, it is to be feared that serious injury might arise to the Jews if an attempt was made to alter it.

As to the case of the Jewess of Alcassar, stringent orders have been issued to the Governor Abassy to cause full justice to be done, and if not the parties accused of having committed the crime are to be sent prisoners to the Court.

As to the case of Gabay, our Lord the Sultan has written to the Governor of Shedma to send the parties accused of the murder prisoners to the Governor of Saffee, in order that the case be proceeded with according to law, so that justice be done, and he has written to that effect to the Governor of Saffee, and the latter is to attend to the case and see that justice be done. As to the Sheikh of Jews murdered in Tazu, the Sultan has written to the Governor of that town to search for the murderers, and to ascertain whether they were people of the town or of the country. The affair is still in suspense, but the Sultan has renewed stringent orders upon the subject, and some of the persons arrested who are suspected are even relatives of the Sultan.

(Signed) MAHOMMED BEN ALARBY BEN MOKTSAR.

No. 130.

Mr. West to Earl Granville.—(Received May 31.)

(No. 113.)

My Lord,

Madrid, May 27, 1880.

I HAVE the honour to transmit herewith a despatch addressed to Lord Salisbury under flying seal, which I have received from Sir John D. Hay, and to inclose copy of a letter addressed to myself. I have communicated the despatch and its inclosures to the Ministers of Austria and the Netherlands at this Court.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 130.

Sir J. Drummond Hay to Mr. West.

Sir,

Camp at Sherrarda, May 13, 1880.

I HAVE the honour to transmit, under flying seal, a despatch I have addressed to the Marquis of Salisbury, which I request you to forward. As I am Representative for Austria-Hungary and the Netherlands in Morocco, and as I have not time to address the Ministers of those Powers at Madrid on this occasion, I shall feel obliged if you will allow them to peruse the Vizier's letter, and even my despatch, if you see no objection.

(Signed) J. H. DRUMMOND HAY.

No. 131.

Mr. West to Earl Granville.—(Received May 31.)

(No. 115.)

My Lord,

Madrid, May 27, 1880.

I HAVE the honour to inform your Lordship that the third meeting of the Conference was held yesterday, and that the French Plenipotentiary expressed himself ready to discuss the demands of Cid Mohammed Bargash, as appear in the *procès-verbaux* of the sittings held at Tangier in 1879.

Nos. 1 and 2 were accepted. No. 3, with the modification and the substitution of the phrase, "qui résident dans les domaines du Sultan," for "dans les villes de la côte." No. 4 was accepted with the addition, "toutefois il pourra avoir un soldat protégé pour l'exercice de ses fonctions."

No. 5 gave rise to a long discussion as to whether the expression "gens pour-

suivis" applied to civil as well as criminal cases, and it was resolved to defer the "rédaction" of the phrase. The principle, however, was accepted.

No. 6 was finally accepted, with the suppression of the phrases "sa réponse en acceptant le fait sera la confirmation réglementaire de la protection, and "sans que personne puisse y faire opposition," and with the addition of the one, "toutefois le droit de protection ne pourra être exercé à l'égard des personnes poursuivies, et qu'elles n'aient accompli leurs peines."

No. 7. This demand gave rise to a reassertion on the part of the French Plenipotentiary of the international character of the Agreement or Convention of 1863; and he declared that his Government could not forego the exception made in that document in favour of the family Benchimol to the principle that protection should not be hereditary.

The discussion terminated by an agreement to the following addition to the demand:—

"Une seule exception" (that is to say, to hereditary protection) "est maintenue en faveur de la famille Benchimol comme étant établie dans la Convention de 1863, mais elle ne saurait créer un précédent."

"Cependant si le Sultan accordait une seconde exception toutes les Puissances ici représentées auraient droit de la réclamer également."

The Italian Plenipotentiary then declared that he reserved his assent, as he had the instructions of his Government to maintain the exception in favour of the family Toledano, and must therefore refer for fresh ones.

No. 8 was subsequently agreed to, with the verbal alteration of "dans les domaines du Sultan," and the President then adjourned the Conference to the 28th.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 132.

Mr. West to Earl Granville.—(Received May 31.)

(No. 117.)
My Lord,

Madrid, May 28, 1880.

I HAVE the honour to transmit to your Lordship herewith copy of Protocol No. 1 of the sitting of the Conference of the 19th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 132.

Protocole No. 1.—Séance du 19 Mai, 1880.

LES Plénipotentiaires réunis à Madrid sur l'invitation qui leur a été adressée par le Gouvernement Espagnol, afin de traiter certaines questions relatives au droit de protection que les Légations et les Consulats étrangers exercent au Maroc, ainsi que d'autres s'y rattachant, ont tenu leur première conférence aujourd'hui, le 19 Mai, 1880.

Étaient présents :

Pour l'Allemagne:—

Son Excellence M. le Comte de Solms Sonnewalde, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour l'Autriche-Hongrie:—

Son Excellence M. le Comte Ludolf, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour la Belgique:—

Son Excellence M. Anspach, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour les Etats-Unis d'Amérique:—

Son Excellence M. le Général Fairchild, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour l'Espagne:—

Son Excellence M. Cánovas del Castillo, Président du Conseil des Ministres.

Pour la France:—

Son Excellence M. l'Amiral Jaurès, Ambassadeur à Madrid.

Pour la Grande Bretagne (et le Danemark):—

Son Excellence Mr. Sackville West, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour l'Italie:—

Son Excellence M. le Count Greppi, Envoyé Extraordinaire et Ministre Plénipotentiaire à Madrid.

Pour le Maroc:—

Sid Mohammed Vargas, Ministre des Affaires Etrangères et Ambassadeur Extraordinaire.

Pour les Pays-Bas:—

Son Excellence M. de Heldewier, Ministre Résident à Madrid.

Pour le Portugal:—

Son Excellence M. le Comte de Casal Ribeiro, Envoyé Extraordinaire et Plénipotentiaire à Madrid.

Pour le Suède et la Norvège:—

Son Excellence M. Akerman, Ministre Résident à Madrid.

Les Plénipotentiaires entrent en séance à 1 heure et demie.

Son Excellence M. le Ministre d'Allemagne prend la parole en ces termes:—

"Messieurs,

"Je vous prie de m'accorder la parole, en raison de l'ordre alphabétique. Il nous reste pour nous constituer en Conférence à procéder à l'élection d'un Président. L'Espagne nous ayant offert son hospitalité, et ayant en même temps délégué l'éminent homme d'Etat que nous avons l'honneur d'avoir parmi nous, je suis certain de votre approbation unanime en vous proposant de confier la Présidence des travaux de la Conférence à son Excellence M. Cánovas del Castillo."

Cette proposition ayant été acceptée à l'unanimité, M. le Plénipotentiaire d'Espagne occupe la Présidence, et dit:—

"Messieurs,

"J'accepte avec une profonde reconnaissance l'honneur que vous venez de me faire en me conférant la Présidence de cette importante réunion; mais ce n'est qu'avec votre concours intelligent qu'il me sera possible d'accomplir ma tâche. Comptez donc sur toute ma bonne volonté, et permettez-moi de compter à mon tour sur votre bienveillance, et même sur votre indulgence."

M. le Président propose ensuite comme Secrétaires de la Conférence MM. Figuera, Ministre Plénipotentiaire, faisant fonctions de Sous-Directeur au Ministère d'Etat, et Muro, Chargé d'Affaires, Directeur des Archives au Ministère; et comme Adjoint aux Secrétaires, MM. Villa-Urrutia, Secrétaire de Légation, et Osma, Attaché.

Sur l'acceptation des MM. les Plénipotentiaires, les membres du bureau sont présentés à la Conférence.

Les pièces et documents relatives à la Conférence de Tanger sont déposés au bureau.

Le Président invite les Plénipotentiaires à présenter leurs pouvoirs.

M. Cánovas del Castillo lit le discours suivant:—

“Messieurs,

“Avant de commencer nos travaux, je suis heureux de vous témoigner, au nom du Cabinet de Madrid, les sentiments de la plus sincère gratitude pour le bienveillant accueil que les Gouvernements, si dignement représentés par vous, ont fait à l'invitation que nous leur avons adressée d'accord avec le Gouvernement de Sa Majesté Britannique.

“Toutes les Puissances qui se trouvent en relations diplomatiques et commerciales avec l'Empire du Maroc sont également intéressées à ce que leurs Représentants et leurs sujets jouissent, dans ce pays, de la sécurité et des garanties spéciales qui seules peuvent assurer, aux uns l'exercice de leurs hautes fonctions, aux autres le libre développement de leurs intérêts légitimes.

“Un autre lien encore doit unir, à mon avis, ces mêmes Puissances: le désir de concilier, avec la reconnaissance de leurs droits, établis par des stipulations solennelles, les nécessités d'ordre intérieur qui s'imposent à tout Gouvernement, et le ferme propos de faciliter à celui du Maroc les progrès qui lui permettront, par la graduelle de l'état social du pays, de devenir lui-même le premier protecteur des personnes et des intérêts qui sauvegardent les Traités existants.

“C'est à ce double point de vue, Messieurs, qu'il nous faudra, je pense, envisager les propositions que doit soumettre à la Conférence notre collègue, M. le Plénipotentiaire du Maroc, Ministre des Affaires Etrangères de Sa Majesté Shérifienne.

“Ces propositions seront vraisemblablement analogues à celles qu'il présentait à la délibération des Représentants réunis à Tanger dans les premiers mois de l'année dernière; et vous n'ignorez pas qu'elles furent à cette époque l'objet d'une discussion complète qui ne put toutefois amener l'entente sur certains points d'une importance incontestable.

“Ce précédent ne saurait pourtant nous décourager, car, l'accord sur nombre d'autres points se trouvant déjà constaté, il nous est permis de croire que l'examen impartial et approfondi que nous reprenons en ce moment aboutira sûrement à la solution équitable de la totalité des questions débattues.

“Il n'est point douteux que la modération et la sincérité dont s'inspirera certainement la sagesse de notre collègue Sid Mohammed Vargas seront appréciées par les Plénipotentiaires des Puissances ici représentées, et que chacun d'entre nous sera disposé à consentir à telles modifications du régime actuel qui seraient reconnues compatibles avec les droits acquis et les intérêts considérables qu'il faut laisser à l'abri de toute atteinte. Dès lors nous sommes bien fondés à espérer que nos labeurs ne seront pas perdus, et que votre Conférence, Messieurs, si hautement autorisée, ne sera pas réunie en vain.

“Quant à moi, rien ne me coûtera pour contribuer à la réalisation de cet espoir; convaincu, comme je le suis, que l'entente des Puissances et leur communauté de vues dans ces questions, constitueront la plus puissante des influences, pour hâter le développement du commerce, et assurer les progrès de la civilisation dans ces intéressantes contrées de l'Afrique septentrionale, régies depuis tant de siècles par les Souverains du Maroc.”

Répondant à une question du Président, le Plénipotentiaire du Maroc déclare que le texte qui a été distribué des demandes présentées par lui à la Conférence de Tanger est exact et authentique.

Le Plénipotentiaire d'Autriche demande s'il existe des documents, autres que le résumé de cette Conférence dont les Plénipotentiaires ont reçu communication.

Le Président répond affirmativement, ajoutant que les autres pièces déposées au bureau, qui comprennent toutes celles que possède le Gouvernement Espagnol, seront imprimées et distribuées à MM. les Plénipotentiaires.

Le Président propose ensuite d'entendre les observations générales qu'aurait à présenter le Plénipotentiaire du Maroc.

Sid Mohammed Vargas exprime l'espoir qu'il trouvera auprès des Plénipotentiaires réunis à Madrid le même esprit d'équité qu'il a constaté dans ses relations comme Ministre des Affaires Etrangères avec les Représentants des mêmes Puissances au Maroc.

Il annonce qu'il proposera quelques modifications aux demandes présentées par lui à la réunion de Tanger, qui lui sont suggérées par les résultats de cette Conférence.

Sid Mohammed Vargas ajoute que son but sera en général de faire cesser les abus de la protection, pour arriver à s'en tenir exclusivement, en tout et pour tout, aux textes des Traités.

Les Plénipotentiaires estimant qu'il importe à la régularité de la discussion de connaître le texte exact des modifications annoncées, la Conférence s'ajourne pour permettre au Plénipotentiaire du Maroc de faire savoir par écrit l'ensemble de ses nouvelles observations.

La séance est levée à 2 heures et demie.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

No. 133.

Mr. West to Earl Granville.—(Received June 1.)

(No. 118.)

My Lord,

Madrid, May 29, 1880.

I HAVE the honour to inform your Lordship that the fourth sitting of the Conference was held yesterday, and that after a discussion of four hours the Moorish demands Nos. 9, 10, 11, 12, and 13, were finally agreed to with slight modifications. The Italian Plenipotentiary having accepted the interpretation put upon hereditary protection in favour of the family Benchimol under the French Agreement of 1863, this question was definitely settled.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 134.

Count Károlyi to Earl Granville.—(Received June 1.)

M. le Comte,

Londres, le 30 Mai, 1880.

Des Conférences viennent d'être ouvertes à Madrid pour régler les questions pendantes entre le Gouvernement du Maroc et les Représentants des Puissances y accrédités, au sujet du droit de protection que ces derniers sont appelés à exercer.

Le Saint-Siège, dans une note dont votre Excellence trouvera copie sous ce pli, s'est adressé aux bons offices du Gouvernement Austro-Hongrois, afin qu'au sein de la Conférence une proposition fût faite et adoptée, tendant à établir au Maroc la liberté religieuse des habitants de ce pays, et semblable à celle qui, en son temps, fut admise par le Congrès de Berlin à l'égard des sujets de la Sublime Porte.

L'Assemblée qui s'est réunie à Madrid aura, il est vrai, à s'occuper en premier lieu, de régler les droits des étrangers.

Il semble toutefois au Cabinet de Vienne qu'il serait digne de cette réunion, dans laquelle la majorité des Puissances est représentée, de prendre l'initiative pour créer en matière religieuse aussi au Maroc un ordre de choses qui, se basant sur les idées d'une tolérance parfaite, offrir des garanties suffisantes pour que dorénavant aucune entrave

ne fût portée aux différentes religions professées dans les Etats de Sa Majesté Chérienne, et que, en conséquence, personne n'y soit gêné dans sa croyance et dans l'exercice de son culte.

Partant de ce point de vue, le Gouvernement Impérial et Royal est donc très-disposé à porter cette question devant la Conférence assemblée à Madrid, pour lui proposer de provoquer une déclaration du Gouvernement Marocain, qui, à l'exemple de l'Article LXII du Traité de Berlin, établirait le principe de la liberté religieuse, et assurerait à tous la liberté des cultes et leur pratique extérieure.

Quand même la situation actuelle du Maroc ne lui permettrait pas de procéder immédiatement à une déclaration aussi complète et positive telle qu'elle a été faite par la Turquie à Berlin, le Cabinet Impérial et Royal n'en aime pas moins à espérer que le Gouvernement Marocain, qui sera de préférence appelé à bénéficier du résultat des Conférences à Madrid, en appréciant les intentions des Puissances à son égard, ne se refusera point à se rendre aux vœux des Puissances tendant à introduire, dans une certaine mesure, le principe de tolérance en matière religieuse.

En ayant l'honneur, d'ordre de mon Gouvernement, de porter ce qui précède à la connaissance du Gouvernement de Sa Majesté Britannique, j'aurais infiniment d'obligations à votre Excellence de vouloir bien me renseigner aussitôt que possible sur l'accueil qu'y auront rencontré les idées que je viens de signaler.

Aussitôt que le Cabinet de Vienne sera informé de la manière de voir des Puissances au sujet qui l'occupe, il ne tardera pas à faire parvenir au Comte Ludolf les instructions nécessaires pour qu'il puisse aborder la question au sein de la Conférence, et formuler, de concert avec ses collègues, des propositions plus précises à cet égard.

Veuillez, &c.
(Signé) KÁROLYI.

Inclosure in No. 134.

Note from the Chambers of the Vatican to the Ambassador Extraordinary of Austria-Hungary at the Holy See, dated May 5, 1880.

(Translation.)

THE Holy Father, who as a duty of his Apostolic ministry can neglect nothing that may avail to further religious interests in any part whatever of the world, has resolved to request the high offices of the Catholic Powers, in order that at the Diplomatic Conference about to be opened at Madrid on the affairs of Morocco a resolution may be brought forward and adopted relative to the religious freedom of the inhabitants there, similar to that which was adopted at the Congress of Berlin for the subjects of the Sublime Porte. Amongst those Powers His Holiness, reckoning chiefly on the very efficient support of the Austro-Hungarian Empire, has charged the undersigned Cardinal Secretary of State to renew to the Government of His Imperial and Royal Apostolic Majesty that formal appeal which was addressed to it when the Berlin Congress was on the point of opening. The writer, therefore, in fulfilment of the commission entrusted to him, applies to your Excellency to have the goodness to transmit the Pontifical request to your Government, and to represent thereto the firm trust of His Holiness that the Government will itself issue to its Representative instructions analogous to those transmitted to the Plenipotentiaries at the aforesaid Congress. In this way the Government of His Royal and Imperial Apostolic Majesty, of whose noble and religious sentiments His Holiness has so many proofs, will render another signal service to religion and to the Holy See. The writer, quite sure that your Excellency will be willing to support this request warmly, offers you his lively thanks in anticipation, and avails himself willingly of this occasion to renew, &c.

(Signed) L. CARD. NINA.

No. 135.

Mr. West to Earl Granville.—(Received June 3.)

(No. 119.)

My Lord,

Madrid, May 29, 1880.

I HAVE the honour to inclose herewith to your Lordship copy of Protocol No. 2 of the sitting of the Conference of the 24th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 135.

Protocole No. 2.—Séance du 24 Mai, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
" d'Autriche-Hongrie,
" de la Belgique,
" d'Espagne,
" des États-Unis d'Amérique,
" de France,
" de la Grande Bretagne et Danemark,
" d'Italie,
" du Maroc,
" des Pays-Bas,
" du Portugal, et
" de la Suède et Norvège.

LA séance est ouverte à 1 heure et demie.

Le procès-verbal de la dernière séance est lu et approuvé.

Lecture est donnée des déclarations additionnelles présentées à la Conférence par M. le Plénipotentiaire du Maroc. (Voir l'Annexe.)

Le Plénipotentiaire de France constate que Sid Mohammed Vargas, aggravant ses propositions antérieures et s'écartant de l'accord établi à Tanger sur sa demande No. 1, revient aujourd'hui sur cette demande pour déclarer que la Convention de 1863 est préjudiciable aux transactions commerciales, qu'elle entrave l'exercice de la justice et empêche le maintien de l'ordre dans l'Empire du Maroc, &c.

M. le Plénipotentiaire de France a fait connaître sommairement à son Gouvernement les nouvelles propositions du Représentant de Sa Majesté Shérifienne, en même temps qu'il annonçait l'envoi du texte complet de ces propositions; mais jusqu'à ce que le Gouvernement de la République Française ait pu examiner ce document et lui faire connaître son appréciation, il ne lui serait pas permis, en premier lieu, d'accepter que les actes internationaux qui lient la France au Maroc fussent, pour ainsi dire, mis en question, et, d'autre part, devant attendre les ordres de son Gouvernement, il se voit dans l'impossibilité d'entrer en conversation sur les dites nouvelles propositions.

Le Plénipotentiaire du Maroc, en présence de ces observations, déclare ne souhaiter qu'une solution qui puisse satisfaire les intérêts de tous.

Le Président demande à présenter quelques observations touchant plutôt à la forme de la discussion qu'au fond de la question même.

Il ne faut pas, à son avis, voir dans le No. 1 de Tanger, une demande véritable; ce numéro, ainsi que le suivant, ne constitue que la déclaration d'un état de choses existant, que M. le Plénipotentiaire du Maroc vient de commenter par l'annonce de modifications qui seront demandées au cours de la Conférence actuelle.

Le Président croit que le Maroc pourrait renoncer à cette addition. En effet, l'Arrangement de 1863 a été, de fait, discuté à Tanger; qu'il soit ou non commenté par la nouvelle déclaration de Sid Mohammed Vargas, cet arrangement et les modifications qu'il serait possible d'y apporter seront nécessairement l'objet de l'examen de MM. les Plénipotentiaires.

La déclaration ou observation du Plénipotentiaire du Maroc paraît donc tout au moins superflue.

Le Président pense, par conséquent, que le Représentant du Maroc pourrait sans inconvénient abandonner cette addition; mais il déclare avec une égale franchise que

si on ne devait pas, au cours des délibérations actuelles, toucher absolument au texte de 1863, la Conférence se tiendrait dans des conditions moins favorables que celle de Tanger, au sein de laquelle ces questions ont été traitées par les Représentants.

Le Plénipotentiaire de France répond en faisant remarquer la différence qui existe entre la demande de Tanger et le langage tenu à Madrid par Sid Mohammed Vargas.

Il accepte la proposition du Président de faire disparaître cette déclaration préalable; mais il y a aussi d'autres points dont l'étude est devenue nécessaire par suite des nouvelles additions, ce qui ne lui permet pas de prendre part à la discussion immédiate des propositions Marocaines.

Le Plénipotentiaire du Maroc répète qu'il ne cherche qu'une solution qui mette sur le même pied les sujets du Sultan et les sujets étrangers, et qui sauvegarde les droits du Sultan.

Il rappelle les paroles du Représentant de France, qui a constaté à Tanger qu'il ne tenait qu'au Maroc de se dégager s'il désirait rompre l'engagement de 1863. (Séance du 27 Mars, 1879.)

Néanmoins, le Plénipotentiaire du Maroc se borne à exposer à la Conférence l'état des choses tel qu'il existe actuellement, dans l'espoir que les Plénipotentiaires réunis sauront trouver une solution.

L'Amiral Jaurès insiste sur ce point que la France a accepté de prendre part à une Conférence ayant pour but d'examiner certains abus et d'en chercher le remède, et non pas d'attaquer et de détruire une Convention. La dénonciation de l'Arrangement de 1863, s'il en était question, lui semblerait plus naturellement réservée à une négociation directe entre le Maroc et la France.

Le Président observe que le Plénipotentiaire de France est le seul juge de la nécessité où il se trouverait d'attendre de nouvelles instructions en vue des observations présentées par Sid Mohammed Vargas. La Conférence devrait s'ajourner, en ce cas, jusqu'à ce que M. le Plénipotentiaire de France soit en mesure de prendre part à ses travaux.

Cependant, comme Président de la Conférence, plus encore que comme Plénipotentiaire d'Espagne, il croirait nécessaire, avant de suspendre les délibérations, de fixer exactement l'état de la question.

Selon lui, la validité de la Convention de 1863 n'a aucunement été révoquée en doute par Sid Mohammed Vargas, car une prétention semblable devrait nécessairement provoquer d'autres déclarations comme celle que vient de faire le Plénipotentiaire de France. Les Nos. 1 et 2 de la Conférence de Tanger sont une constatation de fait, qui impliquent la reconnaissance de la valeur absolue de l'Arrangement de 1863.

M. Cánovas del Castillo rappelle que l'Espagne est d'ailleurs liée par une Convention identique.

M. le Président pense que le Représentant du Maroc a voulu seulement constater les difficultés résultant de l'application de la Convention de 1863, qui le forcent de prier la Conférence de chercher une modification conciliatrice de cet acte international. Ce n'est qu'ainsi que l'on doit entendre l'addition proposée par Sid Mohammed Vargas.

Du reste, dans les Conférences de Tanger, on a longuement discuté, non la valeur absolue, mais les modifications éventuelles de l'Arrangement de 1863. Or, ce qui a été discuté à Tanger doit être considéré comme discutable à Madrid.

M. le Plénipotentiaire de la Grande Bretagne déclare adhérer entièrement à ces observations du Président de la Conférence.

Le Plénipotentiaire de France dit qu'il est également d'accord sur bien des points avec M. Cánovas del Castillo. En effet, les stipulations particulières de 1863 pourront être l'objet de discussions dans la Conférence.

Il prie toutefois de bien vouloir remettre la discussion à une prochaine séance, afin de permettre l'examen, par le Gouvernement Français, des autres points nouvellement soulevés.

Le Président demande si, l'addition au No. 1 étant retirée, le Plénipotentiaire de France croirait pouvoir prendre part à une discussion immédiate des demandes jusqu'à la 14^e, sur laquelle portent également les modifications.

Le Plénipotentiaire de France maintient sa demande de remise. Il annoncera à son Gouvernement que, l'addition au No. 1 étant retirée, la discussion semble être libre jusqu'au No. 14.

Sur la demande du Président, *le Plénipotentiaire du Maroc* déclare qu'il retire en effet cette addition.

Le Président observe que la discussion des numéros à partir du No. 14 pourra porter sur l'ensemble des propositions Marocaines, et qu'il reste entendu que tout ce qui a été

discuté à Tanger pourra être l'objet d'additions ou de modifications dans la Conférence actuelle.

La Conférence s'ajourne jusqu'au surlendemain, 26 Mai.

La séance est levée à 2 heures et demie.

(Signé)

Comte SOLMS.

Comte LUDOLPH.

ED. ANSPACH.

A. CÁNOVAS DEL CASTILLO.

LUCIUS FAIRCHILD.

JAURES.

L. S. SACKVILLE WEST.

GREPPI.

MOHAMMED VARGAS.

Comte de CASAL RIBEIRO.

H. AKERMAN.

No. 136.

Mr. West to Earl Granville.—(Received June 3.)

(No. 120.)

My Lord,

Madrid, May 31, 1880.

COUNT LUDOLF, the Austrian Minister, called upon me yesterday evening and informed me that he had received a despatch from his Government by which he was instructed to take the initiative in proposing to the Conference a declaration in favour of religious liberty in Morocco in the sense of Article LXII of the Treaty of Berlin. Other Powers, he said, had agreed to this proposition, and he was desirous of knowing whether Her Majesty's Government had expressed any opinion upon it. I told Count Ludolf that I had received no instructions from your Lordship on the subject, and I reminded his Excellency that religious liberty in Morocco was already provided for by Treaty.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 137.

Mr. West to Earl Granville.—(Received June 3.)

(Telegraphic.)

Madrid, June 3, 1880, 6:15 P.M.

UNLESS French Government can be induced to consent to a modification of Réglement of 1863 as regards protection to native agents in Morocco, there is little hope of a solution of the question in the sense desired by Her Majesty's Government.

No. 138.

Sir J. Drummond Hay to Earl Granville.—(Received June 5.)

(No. 94.)

My Lord,

Tangier, May 27, 1880.

I HAVE the honour to inclose herewith the copy of a letter addressed to me by the Italian Minister, M. Scovasso, communicating the copy of a letter he had addressed the Moorish Minister, Cid Mohammed Bargash, replying to his observations at a meeting of the foreign Representatives held on the 19th July of last year.

With reference to that passage in M. Scovasso's letter in which he gives his reasons for continuing irregular protection to Moorish subjects, and refers to the language I had held at a meeting on the 21st February, 1879, to show that I also had no confidence in the engagements which the Moorish Government might be disposed to enter into to prevent Moorish subjects, from whom protection might be hereafter withdrawn, from being ill-treated by the Moorish authorities, I have the honour to inclose an extract from the *procès-verbal* of the 21st February of the language I had held to which M. Scovasso refers.

The statements made by M. Scovasso in this letter are not generally borne out by

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facts, but as Cid Mohammed Bargash is so accustomed to be browbeaten by the foreign Representatives if he attempts to call into question their assertions, I think it is not improbable that he will abstain from requiring explanations from M. Scovasso for the strange and discourteous language he has indulged in.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 138.

M. Scovasso to Sir J. Drummond Hay.

M. et cher Collègue,
J'AI l'honneur de vous remettre ci-jointe la réponse au discours que son Excellence le Ministre Bargash a prononcé en mon absence chez lui le 19 Juillet dernier.
Etant retourné à mon poste le 28 Mars dernier je n'ai pu lui répondre plus tôt.
Agréez, &c.
(Signé) E. SCOVASSO.

Inclosure 2 in No. 138.

M. Scovasso to Cid Mohammed Bargash.

M. le Ministre.
Lorsqu'a eu lieu chez vous la séance sur l'affaire des protections le 19 Juillet dernier, comme vous le savez, je me trouvais absent, et je ne suis revenu à mon poste que le 28 Mars dernier. Je n'ai donc pu répondre plus tôt aux observations quelque peu injustes que vous avez cru devoir faire à mon adresse au sujet de la latitude de la protection dans le discours que vous avez prononcé à cette occasion.

Vous avez dit :—

“Quant à la latitude de la protection donnée par les Représentants je suis heureux de voir que la demande de mon auguste Souverain pour que cette protection ne soit octroyée qu'aux termes des Traités en vigueur a été acceptée par tous les Représentants, excepté par le Ministre d'Italie, qui a déclaré qu'il conseillera à son Gouvernement de conserver la protection à ceux des sujets Marocains qui sont portés sur les listes, et cela seulement parce qu'ils y ont été inscrits par les Représentants Italiens, ses prédécesseurs; car d'après ce que nous savons, il n'y a que M. Nahon et les Drogmans qui aient prêté des services au Gouvernement Italien, et non les autres personnes inscrites sur les listes, et je suis très-étonné d'apprendre que M. le Ministre d'Italie, s'il n'a pas adhéré à notre demande, c'est parce qu'il n'a pas de confiance dans notre promesse solennelle faite aux Représentants qu'aucune injustice ne serait commise envers les personnes qui seraient rayées des listes, et que si quelques-uns venaient à commettre un acte contraire aux lois et à être traduits par devant les Tribunaux Marocains, le Consul de la nation qui le protège, serait averti pour assister au Jugement, et dans le cas où il croirait voir une injustice, de nous en donner connaissance par l'entremise de son Chef à Tanger.”

“Ce défaut de confiance nous a fortement étonné, surtout parce qu'il nous semble que tous les Représentants savent que dans ces dernières quinze années ou plus encore, aucun acte arbitraire n'a été commis contre aucun Juif à Tanger, et si quelqu'un a été emprisonné ou bâtonné, cela n'a eu lieu qu'à la demande des Consuls étrangers.”

Je suis, permettez moi de vous le dire, Excellence, très-étonné de votre étonnement, car si vous aviez lu avec attention ce que j'ai dit, vous ne vous seriez pas étonné. En effet, dans la Conférence j'ai dit que ce serait une grande injustice que de rayer des listes de protection les sujets Marocains qui y sont inscrits, car c'est un principe de jurisprudence qu'une loi ne doit pas avoir d'effet rétroactif, et j'ajoutais que lorsque les Puissances ont renoncé dans l'Empire Ottoman au droit de protection, on a cependant conservé les protégés qui étaient inscrits sur la liste de leurs Représentants (voyez l'Egypte et les autres provinces) et notez bien, M. le Ministre, que la Sublime Porte n'a demandé l'abolition des protections qu'après avoir promulgué l'Hatti-Houmayoun, et établi les Tribunaux Mixtes.

J'ai dit aussi que les protégés Italiens au Maroc jouissaient de la protection depuis vingt, trente, et plus d'années, que plusieurs d'entre eux ont servi les anciens

Gouvernements Italiens comme Vice-Consuls, Agents Consulaires, ou Interprètes, et vous vous montrez mal renseigné, M. le Ministre, lorsque vous avancez que parmi les sujets Italiens protégés il n'y a, en fait d'anciens employés, que M. Nahon et les Drogmans; car vous trouverez entre les Benasayag,* les Soledanos, et autres, des Vice-Consuls.

J'ai dit que je ne pouvais pas admettre que les Traités Anglo-Marocain et Hispano-Marocain, que vous invoquez à chaque instant, et qui, pour le dire en passant, sont si peu clairs par rapport aux protections que le Représentant de la Grande Bretagne et celui d'Espagne les interprètent tout-à-fait différemment, aient pu enlever au Gouvernement Italien le droit consuetudinaire, qu'il a aussi bien que les autres, de protéger quelques sujets de Sa Majesté Chériffienne, droit auquel on peut renoncer volontairement, mais qu'on ne saurait nous ravir.

Et enfin, en répondant à mon honorable collègue de la Grande Bretagne qui, quoique en exprimant la plus grande confiance dans les promesses du Gouvernement Shériffien, nous offrait cependant l'appui de son influence pour le cas où ce Gouvernement viendrait à manquer à ses promesses, j'ai dit :—

“Pour moi, renoncer aux protégés qui se trouvent inscrits dans les Registres de cette Légation dès avant 1871 pour les mettre à la merci du Gouvernement Marocain, malgré les assurances qu'il nous offre, je ne le trouve pas prudent, puisque l'assurance même que nous donne notre honorable Doyen de s'associer à ses collègues dans le cas où le Gouvernement Marocain viendrait à manquer à ses engagements, me prouve qu'il est possible que le Gouvernement puisse y manquer, et par conséquent je trouve plus sage de garder nos protégés que de m'exposer à déranger mes collègues.”

Je ne suis donc pas seul à manifester quelques craintes en ce qui concerne l'accomplissement des promesses du Gouvernement Chériffien—promesses que malgré lui-même, et contrairement à ses ordres, les autorités locales pourraient rendre illusoires, mais c'est aussi l'honorable Ministre de la Grande Bretagne. Pourquoi alors vous étonnez-vous de moi? Etonnez-vous plutôt du peu de cas que les autorités Chériffiennes font des ordres de leur Gouvernement.

Permettez-moi donc, M. le Ministre, de vous exprimer mes regrets de voir que lorsque je n'étais pas présent vous avez pu exposer les choses avec si peu d'exactitude et par conséquent vous montrer injuste envers moi. On dirait que vous n'avez pas lu les procès-verbaux de la Conférence, ni étudié par vous-même cette question, ni rédigé vous-même le discours auquel je viens de répondre.

En ce qui concerne les garanties que peuvent offrir les Tribunaux Marocains, je crois inutile de répéter ici ce que j'en pense, l'ayant déjà manifesté dans la Conférence.

“Vous dites également que tous les Représentants savent que dans ces dernières quinze années ou plus encore aucun acte arbitraire n'a été commis contre aucun Juif à Tanger.”†

Pour ma part je puis vous assurer, M. le Ministre, qu'il m'est prouvé le contraire, car je pourrais vous citer des cas d'acte arbitraire qui ont eu lieu contre des Juifs à Tanger, et qui n'ont pas été provoqué par les Consuls étrangers.

Si de tels faits se produisent sous les yeux du Corps Diplomatique, je vous laisse considérer ce qui doit arriver dans l'intérieur du pays.

Agréez, &c.
(Signé) E. SCOVASSO.

Inclosure 3 in No. 138.

Extract of Language held by Sir J. Drummond Hay at the Meeting of Foreign Representatives of February 21, 1879.

LES mesures prises l'année passée par MM. les Représentants ont fait cesser en partie les abus existant par suite de l'intervention irrégulière de leurs employés auprès des autorités locales, mais la protection irrégulière accordée à des indigènes, non

* Yaaya Benasayag was the Neapolitan Consul at Daralbaida. One of the Soledanos is the Interpreter of the Italian Legation, and is, therefore, rightfully protected. Another Soledano, who had been Neapolitan Consular Agent at Arzila, is dead. There are several adult Soledanos who never were employed by the Italian Government, but they are nevertheless protected.

† I know of no arbitrary act on the part of the Moorish authorities at Tangier against the Jews, unless it has been at the instigation of a foreign Consul. I have never heard for fifteen years of a Jew having been bastinadoed, or even imprisoned for more than two or three days, except at the demand of a foreign Representative, M. Scovasso included.—J. H. D. H.

employés des Légations ou des Consuls, continue, et si on n'apporte pas un remède radical à cet état de choses, nos successeurs pourront s'arroger le droit en invoquant les précédents de renouveler de semblables abus.

En faisant ces observations je dois déclarer que si MM. les Représentants décident de mettre fin à la protection irrégulière, il sera de notre devoir à tous d'exiger des garanties effectives de ce Gouvernement pour que les indigènes qui étaient inscrits sur nos listes et qui ont joui de notre protection jusqu'à présent ne soient pas molestés par des actes arbitraires de la part de ce Gouvernement ou des autorités locales; et pour ma part, quoique je ne protège pas des indigènes qui ne sont pas *bond fide* au service des Gouvernements que je représente ou au service des officiers Diplomatiques ou Consulaires, je serai toujours disposé d'agir de concert avec mes collègues pour obtenir justice et satisfaction dans le cas où on n'observerait pas strictement les conditions que nous aurions posées.

J'en dis autant pour ce qui concerne les indigènes qui servent de censeux ou qui sont les agents des négociants étrangers, dans le cas où tous les Représentants admettent qu'ils soient assujettis aux impôts et aux lois du pays dans les litiges qui n'affectent pas les intérêts de leurs commettants.

Je suis toujours convaincu qu'en faisant des arrangements nouveaux et stricts au sujet de ces agents avec ce Gouvernement on pourrait faire disparaître les abus provenant de cette latitude de protection aux censeux sans compromettre les vrais intérêts du commerce.

No. 139.

Mr. West to Earl Granville.—(Received June 5.)

(No. 122.)

My Lord,

Madrid, June 1, 1880.

I HAVE the honour to inform your Lordship that the fifth meeting of the Conference took place to-day, when the additions to the demands of the Moorish Plenipotentiary Nos. 14, 15, and 16 came under discussion. Cid Mahommed Bargash, however, withdrew these additions as he had previously done those to demand No. 1, and stated that he was willing to entertain any propositions which the Conference might propose for the settlement of the question which had given rise to them, and was ready to make any such arrangements as would ensure legitimate commercial interests without impeding the action of his Government. I thereupon asked to be permitted to make some observations, and said that as Her Majesty's Government were desirous of maintaining the independence of the Sultan of Morocco in his own dominions, and he should be freed from the abuses of foreign protection, I begged, in the interests of the Empire as well as in the interest of legitimate commerce, to lay before the Conference some propositions (printed copy of which is herewith inclosed) for its consideration. After I had read them the President asked if any of the other Plenipotentiaries had any propositions to make, and the Austro-Hungarian Plenipotentiary replied that although he had prepared some proposals he preferred to wait before presenting them, until those which had just been read had been discussed. A desultory discussion then ensued as to whether the Moorish demands Nos. 14, 15, and 16 should be separately considered, as originally presented at Tangier, or should be treated as one question upon which the Plenipotentiaries should now expose their views. It was ultimately decided that the latter alternative should be adopted, and that the propositions which I had presented should be discussed by the Conference. The French Plenipotentiary in somewhat vehement language objected to this course, and said that he must apply for fresh instructions, whereupon the Conference was adjourned.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 140.

Earl Granville to Count Károlyi.

M. l'Ambassadeur,

Foreign Office, June 5, 1880.

HER Majesty's Government have had under their consideration your Excellency's letter of the 30th ultimo, stating that the Austro-Hungarian Government were

disposed to bring before the Conference now assembled at Madrid a proposal that the Emperor of Morocco should be invited to make a declaration in favour of religious toleration.

I need scarcely assure your Excellency that Her Majesty's Government entirely concur in the spirit which has animated your Government in contemplating this course, but it appears to them that it would be better to adhere to the conditions on which the Conference was summoned, and which restrict its scope to the question of irregular protection.

Her Majesty's Government, however, will be happy to join the Austro-Hungarian Government and the other Powers, when the Conference is concluded, in addressing an earnest representation to the Government of Morocco against the persecution of the Jews and other non-Mussulman subjects of the Emperor, and in urging upon that Government the necessity of extending equal privileges and full religious liberty to all classes of the population, and of taking proper measures to secure their enjoyment of such laws.

I am, &c.
(Signed) GRANVILLE.

No. 141.

Mr. West to Earl Granville.—(Received June 6.)

(No. 131.)

My Lord,

Madrid, June 4, 1880.

I HAVE the honour to transmit to your Lordship herewith Protocols No. 3 and 4 of the meetings of the Conference of the 26th and 28th May.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 141.

Protocole No. 3.—Séance du 26 Mai, 1880.

Étaient présents :

M. le Plénipotentiaire	d'Allemagne,
"	d'Autriche-Hongrie,
"	de la Belgique,
"	d'Espagne,
"	des États-Unis d'Amérique,
"	de France,
"	de la Grande Bretagne et Danemark,
"	d'Italie,
"	du Maroc,
"	des Pays-Bas,
"	du Portugal, et
"	de la Suède et Norvège.

LA séance est ouverte à 1 heure et demie.

Le procès-verbal de la séance antérieure est lu et approuvé. Le Plénipotentiaire de France se réserve seulement d'examiner plus tard, s'il y a lieu, le sens donné par M. le Plénipotentiaire du Maroc à la phrase où il est dit :

"Qu'il ne cherche qu'une solution qui mette sur le même pied les sujets du Sultan et les sujets étrangers."

La Conférence passe à la discussion par numéros des demandes présentées aux Conférences de Tanger par le Gouvernement Marocain.

Les Plénipotentiaires reconnaissent que le No. 1 et le No. 2 de ces demandes ne sont qu'une constatation de faits.

Sur la mise en discussion du No. 3, ainsi conçu : "Les Consuls, dans les villes de la côte, ne pourront choisir qu'un interprète, un soldat, et deux domestiques parmi les sujets du Sultan. Ceux-ci ne seront non plus soumis à aucun droit, impôt, ni taxe quelconque;" le Plénipotentiaire de France fait observer que vu la possibilité, d'avoir un jour des Consuls dans l'intérieur du Maroc, il y aurait lieu à supprimer le membre de phrase restrictif, "dans les villes de la côte."

Le Président propose d'adopter les termes des Traités Anglais et Espagnol. Cette proposition étant acceptée, le No. 3 est adopté par la Conférence, avec la rédaction suivante :

"Les Consuls, Vice-Consuls, ou Agents Consulaires, Chefs de Poste, qui résident dans les États du Sultan du Maroc, ne pourront choisir qu'un interprète, un soldat, et deux domestiques, parmi les sujets du Sultan. Ceux-ci ne seront non plus soumis à aucun droit, impôt, ni taxe quelconque."

La Conférence adopte également le No. 4, avec l'addition déjà proposée à Tanger par le Représentant d'Allemagne.

L'Article sera rédigé par conséquent en ces termes :

"Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans un port de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui, ne sera soumise à aucun droit, impôt, ni taxe quelconque ; mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

"Toutefois il pourra, pour l'exercice de ses fonctions, avoir un soldat protégé."

A propos du No. 5, ainsi conçu : "Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit qui leur est accordé par les Traités de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Cheiks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer des gens poursuivis ;" une discussion s'engage sur le sens exact à attribuer à l'expression "des gens poursuivis," à laquelle a déjà été substituée à Tanger celle de "aucun sujet Marocain sous le coup de poursuites."

M. le Plénipotentiaire de Belgique propose de développer le sens de ces mots, en ajoutant :

"Il reste entendu que les procès civils engagés avant la protection se termineront devant le Tribunal qui en aura entamé la procédure."

Le Plénipotentiaire du Portugal demande que l'on déclare qu'il y aura réciprocité de la part du Maroc pour les procès engagés contre des protégés pour lesquels la protection viendrait à cesser, suivant la déclaration de Sid Mohammed Vargas dans sa lettre du 18 Février, 1879, qui ne se trouve pas reproduite dans ses dernières observations.

Le No. 5 avec ces additions est réservé, afin de permettre à M. le Plénipotentiaire de France d'en référer à son Gouvernement.

La Conférence adopte à la suite le No. 6 avec la rédaction suivante :

"Les Représentants étrangers informeront par écrit le Ministre des Affaires Étrangères du Sultan, du choix qu'ils auront fait d'un employé. Toutefois le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays et qu'elles n'aient, s'il y a lieu, accompli leur peine."

La Conférence passe à l'examen du No. 7, ainsi conçu :

"D'après les Traités et Conventions, la protection s'étend sur la famille du protégé et sa demeure est respectée ; mais il est évident que la famille ne doit se composer que de la femme, des enfants, et de certains parents mineurs qui habitent sous le même toit. Quelques personnes l'ayant étendue davantage, le Gouvernement Marocain demande qu'elle soit limitée à ces individus.

"La protection n'est point héréditaire."

A la demande du Plénipotentiaire d'Autriche-Hongrie, les mots "de certains parents mineurs. . . ." jugés trop vagues, sont remplacés par ceux-ci : "des parents mineurs."

Sur la question de la protection héréditaire, le Plénipotentiaire de France rappelle que la Convention de 1863 accorde formellement cette protection à la famille Benchimol. Les raisons qui ont motivé cette exception ont été dûment appréciées à cette époque par le Gouvernement Marocain ; elles ont conservé toute leur force, et il est impossible au Gouvernement Français d'abandonner une famille qui jouit depuis dix-sept ans de la plus juste considération. Il demande le maintien de cette exception si légitime.

Le Plénipotentiaire du Portugal, tout en maintenant dans toute son étendue le droit au traitement de la nation la plus favorisée, reconnu toujours au Portugal et récemment encore lors des Ambassades spéciales envoyées par Sa Majesté Shérifienne en 1875 et 1877, admet que la France puisse alléguer des motifs spéciaux en faveur d'une exception qui, selon lui, n'invalide pas le principe. Il accepte donc sans réserve que la protection ne soit pas héréditaire, avec l'exception unique établi nominativement dans la Convention de 1863. Seulement, pour le cas où le Gouvernement Marocain accorderait par la suite d'autres exceptions de cette nature, il réserverait le droit du Gouvernement Portugais de réclamer une exception analogue.

Pareille réserve est faite par les autres Plénipotentiaires.

Le No. 7 est ainsi rédigé :

"D'après les Traités et Conventions, la protection s'étend sur la famille du protégé et sa demeure est respectée ; mais il est entendu que la famille ne doit se composer que de la femme, des enfants, et des parents mineurs qui habitent sous le même toit. La Conférence déclare que la protection est limitée à ces individus.

"La protection n'est point héréditaire. Une seule exception est maintenue en faveur de la famille Benchimol, comme étant établie dans la Convention de 1863 ; mais elle ne saurait créer un précédent. Cependant, si le Souverain du Maroc accordait une autre exception, toutes les Puissances représentées à la Conférence auraient le droit de réclamer une exception pareille."

Le Plénipotentiaire d'Italie ne se croit pas autorisé, avant d'avoir reçu de nouvelles instructions de son Gouvernement, à renoncer à la protection héréditaire que le Représentant d'Italie à la Conférence de Tanger a réclamée en faveur de la famille Toledano.

Le No. 8 est adopté dans les termes suivants :

"Les Représentants communiqueront chaque année au Ministre des Affaires Étrangères une liste nominative des personnes qu'ils protègent ou qui sont protégées par leurs Agents dans les États du Sultan du Maroc. Cette liste sera transmise aux autorités locales ; celles-ci ne devront considérer comme protégés que ceux qui y seront inscrits."

La Conférence s'ajourne jusqu'au surlendemain Vendredi, 28 Mai.

La séance est levée à 5 heures et demie.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÂNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURES.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de GASAL RIBEIRO.
H. AKERMAN.

Inclosure 2 in No. 141.

Protocole No. 4.—Séance du 28 Mai, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 „ d'Autriche-Hongrie,
 „ de la Belgique,
 „ d'Espagne,
 „ des États-Unis d'Amérique,
 „ de France,
 „ de la Grande Bretagne et Danemark,
 „ d'Italie,
 „ du Maroc,
 „ des Pays-Bas,
 „ du Portugal, et
 „ de la Suède et Norvège.

La séance est ouverte à 1 heure et demie.

Le procès-verbal de la dernière séance est lu et approuvé.

La Conférence reprend la discussion du No. 5, réservé à délibération ultérieure dans la séance du 26 Mai.

Le Président demande à M. le Plénipotentiaire de France s'il est en mesure d'accepter ce numéro.

L'Amiral Jaurès répond affirmativement.

M. le Plénipotentiaire d'Autriche-Hongrie propose d'ajouter à la rédaction de ce numéro ces mots : "L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé."

La Conférence adopte cette clause, ainsi que celle suggérée à la séance antérieure par le Plénipotentiaire de Portugal.

La Conférence déclare adopter l'ensemble du No. 5, ainsi rédigé :

"Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit qui leur est accordé par les Traités de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Cheiks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

"Il reste entendu que les procès civils engagés avant la protection se termineront devant les Tribunaux qui en auront entamé la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

"Quant aux protégés qui auraient un procès commencé avant que la protection ait cessé pour eux, leur affaire sera jugée par le Tribunal qui en était saisi."

La Conférence passe à la discussion du No. 7, également réservé dans la dernière séance.

M. le Plénipotentiaire d'Italie déclare qu'il est autorisé à accepter ce numéro tel qu'il a été établi dans la séance du 26 Mai.

La Conférence déclare en conséquence que le No. 7 est adopté.

Sur le No. 9, ainsi conçu :

"Il ne sera accordé aux Consuls que le nombre de protégés stipulé dans les Traités, à moins toutefois qu'ils n'aient besoin d'un Secrétaire Arabe."

Le Plénipotentiaire de France observe qu'il s'agit ici du nombre des protégés stipulé, non dans les Traités, mais dans les Articles précédemment adoptés.

La Conférence, constatant qu'en effet, ce numéro semblerait reproduire le No. 3, qui détermine précisément le nombre de protégés que pourront avoir les Consuls ou Agents Consulaires, adopte le No. 9 avec la rédaction suivante :

"Il ne sera accordé aux Consuls, Vice-Consuls, ou Agents Consulaires, Chefs de Poste que le nombre de protégés stipulé dans le No. 3, à moins toutefois qu'ils n'aient besoin d'un Secrétaire indigène."

La Conférence entreprend à la suite la discussion du No. 10, ainsi conçu :

L'officier Consulaire sera tenu d'annoncer les changements survenus dans le personnel de son Consulat. Les Agents remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Étrangères, afin que si elle n'est pas conforme aux Règlements, les Chefs de Mission à Tanger en soient informés."

M. le Plénipotentiaire de France observe qu'il est bien entendu que les listes de protection, dressées régulièrement, auront leur plein effet du jour où elles auront été arrêtées et transmises, et qu'elles n'auront pas à attendre de ratification directe ou indirecte de la part du Gouvernement Marocain.

La Conférence reconnaît la justesse de cette observation, admise par Sid Mohammed Vargas.

Le Plénipotentiaire du Maroc demande, et la Conférence accepte, qu'il n'y ait pas de délai dans la communication qui sera faite des mutations survenues dans le personnel des Consuls.

La Conférence adopte le No. 10, avec la rédaction suivante :

"Les Agents remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Étrangères, afin que si elle n'est pas conforme aux Règlements, les Représentants à Tanger en soient informés.

"L'officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat."

Sur la mise en discussion du No. 11, ainsi conçu : "Les Gérants des Vice-Consulats, sujets du Sultan, n'auront pas le droit de protéger leurs employés à moins que ceux-ci ne soient leurs parents" qui a été accepté par la Conférence de Tanger avec la substitution des mots : "Agents Consulaires, sujets du Sultan," M. le Plénipotentiaire de France expose que la situation des Agents Consulaires, sujets du Sultan, ayant été réglée par le No. 4, il est utile de régler par le No. 11 celle des Gérants des Vice-Consulats, sujets du Sultan.

La Conférence adopte le No 11, rédigé dans ces termes :

"Les Gérants des Vice-Consulats, sujets du Sultan, jouiront, pendant l'exercice de leurs fonctions, des droits reconnus par le No. 4 aux Agents Consulaires."

Elle adopte de même, sans discussion, le No. 12, ainsi rédigé :

"Les domestiques, fermiers, et autres employés indigènes des Secrétaires et interprètes indigènes ne jouissent pas de la protection."

Et le No. 13, qui dit :

"Les employés ou domestiques Marocains des sujets étrangers ne sont pas protégés. Toutefois les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation, d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend. Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser, ou à violer son domicile, il sera immédiatement arrêté, mais l'autorité Diplomatique ou Consulaire sous laquelle il est placé, sera avertie sans retard."

La Conférence s'ajourne au Lundi, 31 Mai.

La séance est levée à 5 heures.

(Signé)

Comte SOLMS.
 Comte LUDOLF.
 ED. ANSPACH.
 A. CÁNOVAS DEL CASTILLO.
 LUCIUS FAIRCHILD.
 JAURÈS.
 L. S. SACKVILLE WEST.
 GREPPI.
 MOHAMMED VARGAS.
 M. DE HELDEWIER.
 Comte de CASAL RIBEIRO.
 H. AKERMAN.

No. 142.

Mr. West to Earl Granville.—(Received June 7.)

(No. 125.)

My Lord,

Madrid, June 2, 1880.

WITH reference to the question of religious liberty in Morocco raised by the Austrian Government at the instigation, I believe, of the Papal See, I have the honour to state to your Lordship that when the Austrian Plenipotentiary first mentioned the subject to me I alluded to the existing Treaties with Morocco as securing religious liberty as far as the subjects of the Signatory Powers were concerned, and that the Austrian Minister then said that his Government was desirous of obtaining a declaration by the Conference in the sense of Article LXII of the Treaty of Berlin.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 143.

Mr. West to Earl Granville.—(Received June 7.)

(No. 126.)

My Lord,

Madrid, June 3, 1880.

MESSRS. VENEZIANI and Netter, two gentlemen belonging to the Jewish Alliance, called upon me yesterday, and said that they had been specially sent to Madrid in order to induce the Conference to take up the cause of their coreligionists in Morocco.

They had, they informed me, spoken to most of my colleagues in this sense, and had found them to be in favour of the subject being introduced, but at the same time no one was prepared to take the initiative, and they were therefore desirous of knowing whether Her Majesty's Government had given me any instructions on this head. In reply I referred them to your Lordship's answer to the Jewish deputation in London, and said that I had received no instructions to bring the matter before the Conference. I remarked, however, that under any circumstances it must indirectly be brought forward as connected with the question of protection generally, and that it appeared to me that this was the best way of dealing with it. I pointed out to them the impossibility of the Jewish subjects of the Sultan being placed upon religious equality with the Mussulman subjects, and referred to Sir John Drummond Hay's decided opinion that if the Sultan was forced by foreign Powers to take any such step, he (the Sultan) would be unable to restrain the fanaticism of the Mahomedan population, and that a general massacre of the Jewish inhabitants of the towns would ensue. I said that I thought it would be unwise, therefore, to raise the religious question in connection with measures of protection which might be adopted for the non-Mussulman subjects of the Sultan, under which category the Jewish population would naturally come, and that I was sure the Conference would not lose sight of so important a matter.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 144.

Mr. West to Earl Granville.—(Received June 7.)

(No. 128. Confidential.)

My Lord,

Madrid, June 3, 1880.

WITH reference to my despatch No. 122 of yesterday's date, reporting the proceedings of the 5th sitting of the Conference, and the presentation on my part of the propositions, copy of which was inclosed therein, I have the honour to relate to your Lordship the negotiations which preceded that sitting.

On Sunday last Señor Canovas del Castillo sent to me to say that he should be glad to speak to me, and I accordingly went to his Excellency's house.

He at once said that the attitude of the French Plenipotentiary in the Conference, which had been anything but conciliatory, rendered some "transaction" necessary when we came to discuss the additions to the demands of the Moorish Plenipotentiary

Nos. 14, 15, 16; for, he said, he felt assured that they would not be entertained by him. He would, therefore, suggest that I should see Cid Mahomed Bargash, and, in concert with him, draw up such propositions on the subject of protection to native agents in Morocco as could properly be discussed in a conciliatory manner by the Conference, and which could be substituted for the additions objected to by the French Plenipotentiary.

Seeing no objection to such a course, I accordingly called upon the Moorish Plenipotentiary, and explained to him the object of my visit. I said that I thought that the propositions originally proposed by Sir J. D. Hay on this question, and presented by that Minister for the consideration of the foreign Representatives at Tangier, but subsequently withdrawn by him in consequence of the arguments which he (Cid Mahomed) had used against them, might still, with some modification, be made the basis for an arrangement of it; that these propositions had been withdrawn upon the distinct understanding that others should be substituted, and that his Excellency had agreed to such a course. Cid Mahomed said he was in the position of a sick man who was asking his doctors for a remedy, and he would therefore adopt any suggestion, and endeavour to agree to the propositions, which I thereupon proceeded to formulate, and which he ultimately accepted should be presented by me to the Conference upon the withdrawal, on his part, of the additions to his original demands.

Having obtained this result, I communicated the propositions to Señor Canovas del Castillo, and received in reply a private letter, copy of which I have the honour to inclose herewith to your Lordship, insisting upon the importance of the presentation of them to the Conference.

Your Lordship will have learnt from my despatch No. 122 of yesterday that the French Plenipotentiary declined to discuss these propositions when presented until he had received further instructions, although the right of any Plenipotentiary to submit proposals to the Conference for the settlement of questions under its consideration was fully admitted.

The hostile attitude of the French Plenipotentiary, with whom I am on the best of terms, to the policy of Her Majesty's Government with regard to irregular protection in Morocco can only be accounted for by the influence of those in Tangier who are interested in its maintenance; and it offers, moreover, a singular contrast to the conciliatory language used by M. Desprez and M. Waddington, as reported by Mr. Adams in his despatch to the Marquis of Salisbury No. 694 of the 5th September, 1878, who both at that time expressed an earnest wish that the English and French Representatives would be able to act cordially together in this somewhat difficult question.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 144.

Señor Canovas to Mr. West.

Mon cher Mr. West,

Lundi, le 31 Mai, 1880.

J'AI reçu votre lettre d'aujourd'hui, ainsi que la copie du travail que vous avez fait de concert avec Vargas au sujet des modifications qu'on pourrait introduire dans les propositions relatives au censaux présentées à la Conférence de Tanger.

En vous remerciant de votre envoi, permettez-moi d'insister sur l'importance qu'aurait, à mon avis, la présentation faite par vous dans la réunion de demain aussitôt après l'ouverture de la séance et la lecture du dernier procès-verbal.

Mille amitiés,
(Signé) A. CANOVAS DEL CASTILLO.

No. 145.

Mr. West to Earl Granville.—(Received June 7.)

(No. 129.)

My Lord,

Madrid, June 3, 1880.

WITH reference to my preceding despatch, and to my telegram of this day's date, I have the honour to state to your Lordship that the apparent determination of the French Government to maintain intact the provisions of the Règlement of 1863 as

regards protection to native agents in Morocco will render, if persisted in, a settlement of the question in the interests of that Empire impossible. The reservation made by the French Government respecting privileges to be accorded to the "censaux," or agents employed by French merchants in Morocco, and alluded to in the Marquis of Salisbury's despatch to me No. 47 of the 1st March, can hardly have been intended as stopping the way to a conciliatory arrangement.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 146.

Mr. West to Earl Granville.—(Received June .)

(No. 132. Confidential.)

My Lord,

Madrid, June 5, 1880.

SENOR ELDNAYEN, the Spanish Minister of State, whom I met yesterday evening, again alluded to the hostile attitude assumed by the French Plenipotentiary in the Conference to the carrying out of the policy for which it was ostensibly assembled, and he seemed to think, from what had fallen from Admiral Jaurès, that his conduct was dictated by ulterior designs on the part of the French Government in connection with the frontier question which could not be conveniently carried out if the questions before the Conference were satisfactorily disposed of, and the independence and authority of the Sultan of Morocco formally recognized. His Excellency said that without some modification of the Règlement of 1863 as regarded the protection to be accorded to the "censaux," or agents, no satisfactory arrangement could be arrived at.

I remarked, in reply, that it appeared to me that the object of the Conference was not so much to interpret the text of the Treaties, as to agree upon such modifications of them which, while affording sufficient guarantee for all legitimate interests, would at the same time relieve the Sultan's Government from the consequences described by Cid Mahommed Bargash as so disastrous, and which the strict enforcement of their stipulation entails in the Sultan's dominions. His Excellency said that he quite agreed in this view.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 147.

Earl Granville to Sir A. Paget.

(No. 277.)

Sir,

Foreign Office, June 8, 1880.

THE Italian Ambassador spoke to me to-day upon the subject of irregular protection in Morocco.

He said that the Italian Government were desirous of putting an end to all abuses which had grown up in connection with the practice, but that they did not wish to go beyond the double restriction which they had already mentioned. They were ready to agree to the principle that foreign protection should not carry with it exemption from taxation. On the other hand, they thought that those who at present enjoyed protection should not be deprived of the privilege, whatever rules might be adopted as to extending it to such persons in future.

The English Delegate in the Conference now taking place at Madrid went far beyond this, and wished apparently to put an end to all protection accorded to natives of Morocco by the Representatives of foreign Powers, which was not altogether in conformity with the provisions of recent Treaties. Mr. West, in fact, said Count Menabrea, went further than the Delegate from Morocco, and had reproduced propositions which the latter had abandoned.

I am, &c.
(Signed) GRANVILLE.

No. 148.

Sir J. H. Drummond Hay to Earl Granville.—(Received June 9.)

(No. 95.)

My Lord,

Tangier, May 27, 1880.

HER Majesty's Minister at Madrid communicated to me the copy of a confidential despatch, No. 110 of the 14th instant, he had addressed your Lordship, reporting the language held to him by M. Scovasso, who had arrived at Madrid.

I inclose the copy of a private letter I addressed Mr. West on the 21st May, informing him that very little confidence could be placed in the assurances given him by M. Scovasso.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 148.

Sir J. H. Drummond Hay to Mr. West.

(Confidential.)

Dear Sir,

Mehedia, May 21, 1880.

I HAVE to thank you for sending me a copy of your despatch to Lord Granville of the 14th instant, reporting the visit of M. Scovasso to Madrid and the language he had held to you. He has frequently held similar language to myself, but his acts do not correspond with his words. M. Scovasso protects irregularly some thirty of the chief Jewish merchants at Tangier, who, with their families, amount to about 150 persons. Italy has no direct trade with Morocco. These Jews are chiefly engaged in British and French trade, and the Italian Government can have no object in continuing this irregular protection; but M. Scovasso, having really nothing to do, thinks it enhances his importance to retain these Moorish subjects under his jurisdiction. They even pay a tax to the Italian Government.

If the right of M. Scovasso to retain these merchants on his list is admitted, all the other Representatives at Tangier will be entitled to claim equal privileges. In such case there would be 2,000 of the wealthiest proprietors of Tangier under foreign protection and jurisdiction. M. Scovasso signed last year a *procès-verbal*, in which all the Representatives agreed that protection should not be hereditary, and yet the adult married sons and daughters of these privileged Moorish subjects are protected by him and exempted from the jurisdiction of the authorities. M. Scovasso pretends that if he withdrew protection from these Jews they would be exposed to ill-treatment by the Tangier authorities. This is a mere pretext. For the last twenty years I do not remember any case where the humblest Jew at Tangier has been a victim of Mahomedan oppression. I never heard of a Jew being bastinadoed or even imprisoned for more than two or three days, except at the instigation of one of the Consuls, and I think that all my colleagues, except M. Scovasso, would bear me out in this statement.

M. Scovasso employs a Moor called Bukkash as a sort of steward. I can remember this man a needy scribe of a wealthy Moor. He is now a very rich man, and the proprietor of some of the best houses at Tangier. He is not a merchant, but has become wealthy by the protection he affords to rich farmers and others, who he has made his partners, and who are thus exempted from military service, taxation, &c. He also intervenes, with the consent of his chief, in behalf of tribes or villagers who have incurred the displeasure of the Government.

M. Scovasso has recently addressed a letter to Cid Mohammed Barghash on the subject of protection, of which he sent a copy to each of his colleagues. Cid Mohammed Barghash will probably show this letter to you and to some others of the Representatives. It appears to me to be couched in very strange language. I cannot suppose the Italian Government would approve of his style and sarcastic remarks to the Moorish Minister, especially if they knew that most of his statements are without foundation. If Cid Mohammed Barghash does not show you this letter, I will, on my return to Tangier, send you a copy.

I give you all this information to let you know why I have very little faith in M. Scovasso's professions or intentions. I fear he has led Count Greppi to believe that he is quite disinterested in the subject of protection.

Believe me, &c.
(Signed) J. H. DRUMMOND HAY.

Sir J. H. Drummond Hay to Earl Granville.—(Received June 10.)

(No. 104.)

My Lord,

Tangier, May 31, 1880.

ON my return from the Moorish Court, in my passage through the Tangier province, I was pointed out two Arab Douars, composed of about eighteen tents, which, I was informed, were occupied by Moorish subjects under the jurisdiction of Colonel Mathews, the United States' Consul-General at Tangier.

As Cid Mahommed Bargash had informed me that Colonel Mathews had assured him he did not protect any Moorish subjects that were not in his service or in that of his Government, and as I had been told in various districts through which I passed in the interior that the United States' Consul or his Arabic Secretary, Ben Amar, or his interpreter intervened frequently in behalf of Moorish subjects who applied to the United States' Consul for protection, though the names of these persons do not appear on the United States' list, I addressed a private letter to the Governor of Tangier, to inquire whether there was any truth in these reports as regarded Moorish subjects in the districts under his government, and I received a reply, of which I have the honour to inclose a translation.

Under these circumstances, and as it is to be apprehended, even if irregular protection is abolished, this covert mode of protection adopted by Colonel Mathews and his Consular officials, may lead to great abuses if his example is followed, as probably it will be, by some of the other Representatives, I thought it advisable to place Cid Mahommed Bargash in possession of the reply of the Governor of Tangier, and I have the honour to inclose a translation of the private letter I have addressed Cid Mahommed Bargash. I have further called his Excellency's attention to an article I have seen in a late French paper, which evidently proceeds from some person belonging to the French or Italian Legation, who endeavours to mislead public opinion regarding the necessity of French, Italian, and Portuguese merchants employing native agents in the interior who should enjoy Consular protection, whereas it states that British merchants do not require such agents, as they do not purchase produce in the interior.

I have frequently impressed on the mind of Cid Mahommed Bargash that any privilege which may be granted to the mercantile agents of French or other foreign merchants will have to be granted to British merchants, who purchase even more produce in the interior than the French do, for exportation. The Italian and Portuguese trade is almost null.

It remains to be seen what remedy the French Plenipotentiary at Madrid will have to propose for enabling the Moorish authorities in the interior to conduct the government of the districts under their jurisdiction, when agents of foreign merchants are selected from the principal farmers, who form the sole militia and police, and who will thus be placed beyond the pale of the Governor's authority, and be subjected solely to the jurisdiction of Consuls, residing several days' journey distant.

It is to be apprehended that before a year elapses the authority of the Governors in the interior will collapse, and consequently the little security that existed for trade will disappear.

I send this despatch under flying seal for the information of Mr. West.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 149.

Kaid Abd Essadak to Sir J. H. Drummond Hay.

(Translation.)

(After compliments.)

18 Joomad, 1297.

WE have received your letter relative to the village of the Dograleeyen and those persons who dwell with them.

The Dograleeyen inhabitants do not belong to the Government of Had el Garbia, but there are those who are living with them who belong to Had el Garbia,* such as Abdeslam Ben Amar, Weld el Rais, and Azzoos.

* In the Tangier Province.—J. H. D. H.

The United States Consul-General had told us before that the Sultan had given these people to him* on condition of their paying taxes like unto others.

As to the Moor dwelling near Cid El Yamany, whose name you say you forgot, we think it is Abd Salam El Kaisy, who is a friend of the American Arabic Secretary (Ben Amar).

The United States' Representative interferes in behalf of this man, as also in behalf of Hadj Mohammed Zerook, who is of Ajeeboovk, for he is also a friend of aforesaid Arabic Secretary. The officers of the Sultan will not separate themselves from the instructions of the Sultan with respect to that which may be settled by the Representatives of all nations.

(Seal of Governor of Tangier Province.)

Inclosure 2 in No. 149.

Sir J. H. Drummond Hay to Cid Mohammed Bargash.

(Translation.)

(Private.)

May 31, 1880.

AS you informed me that the United States' Representative had declared to you that he protected no one but those who are entitled by Treaty to his protection, and as I have reason to know that there are Moorish farmers and others in this province and throughout Morocco in whose behalf he interferes, in cases where the authorities have occasion to assert their right of jurisdiction, I transmit, for your information, the copy of a letter I have received from the Governor of this province regarding certain persons, who, he states, the United States' Consul-General "speaks" in their behalf, which, as you know, is equivalent to affording protection.

When I passed through Had el Garbea, the Sheikh informed me that the reason why I was not received by the Chiefs of the district, as had been usual in past missions of foreign Envoys, that "they were all now under foreign protection."

One of the protected Moors, Kaisers, is known to be a cattle lifter, and as he is protected by the American Consul, I conclude Raid Abds-adek does not venture to arrest him.

When I passed through the province of Sherrarda, an Arab, named Boojman, appealed to me for advice, as he said he had paid the American Cavass Coouabhis 50 dollars for protection, and that the Governor nevertheless did not recognize the protection. I declined to have anything to do with this case, but I hear the Arab has come to Tangier to see the United States' Consul-General. This Boouabhis is, as you know, a Moor employed by the American Consul in looking after the lands he cultivates in various parts of the Empire. I believe, if an inquiry was made, it would be found that the United States' Representative interferes with the action of the Sultan's authorities, even if he does not formally exercise jurisdiction over those natives who are employed by him, or the persons attached to his Consulate, in agricultural speculations. This is a matter, it appears to me, that you ought to attend to, for if irregular protection is done away with, and this indirect interference with the jurisdiction of the authorities continues, and is practised by other Representatives as widely as it is done by Colonel Mathews, the evil of protection will not be eradicated.

Perhaps you will have an opportunity of exposing this to the United States' Representative at Madrid, without mentioning my name, for I cannot suppose the United States' Government would approve of such interference and irregularities.

Sheikh Alarby, of Medyar, dwelling 17 miles from Tangier, is, as you know, a cattle lifter, but he is protected by the French Legation, as he is the partner of Bruyeaud, the landlord of a French hotel. He has just seized two oxen, the property of the Dutch interpreter at Larniche, sent for sale here.

There is no mention even in the French Agreement of 1863 that the Moorish partners of hotel-keepers are to be placed under French jurisdiction.

I observe in a late French paper, that it is asserted that the reason why the English and Spanish Representatives do not insist on the employment and protection of agents in the interior, but solely of agents selected at the ports, is, that the British and Spanish merchants do not purchase produce in the interior, but that the French, Italian, and Portuguese merchants require native agents in the interior, as they have to purchase produce for exportation to France, Italy, and Portugal.

You are well aware that British merchants purchase wool, grain, oil, oxen, hides,

* Meaning, I suppose, had placed them under his jurisdiction.—J. H. D. H.

gum, &c., in the interior, in the same manner as the French, and that as to the Italian merchants, or those Moorish subjects engaged in commerce who are protected by the Italian Minister, they do not purchase produce to export to Italy, but solely for England or France. There is hardly any trade with Portugal.

It appears to me that you should make this clear to the Plenipotentiaries at the Conference if you have an opportunity, for it is evident that the French public, and probably their Plenipotentiary at Madrid, have been misinformed by the French and Italian Representatives.

If the jurisdiction of French and Italian Consuls is admitted over agents dwelling in the interior, it will have to be extended to the agents of all British and other foreign merchants, and then, as you know, the Government of the country will become impossible.

The question may be asked of the French and Italian Plenipotentiaries, what course will be pursued if as native agent of a merchant, say, in Beni Hassan, which is three days' journey from the residence of a Consul, commits a crime?

Is he to be left at large until the Consul is referred to and consents to his arrest?

If so, who is to pay for the expenses of witnesses being sent to the port, and for pursuing and arresting the fugitive criminal?

If at the seat of each Governor in the interior there are forty or fifty of the chief farmers, who form the militia and police of the country, appointed as agents of merchants (and this number is not exaggerated when all foreign merchants are placed on the same footing), and that these agents are to be placed under Consular jurisdiction, it appears to me that the authority of the Governors will be paralyzed.

I have to suggest that you explain this clearly at the Conference.

I shall communicate to Her Majesty's Minister at Madrid a copy of this letter for his information.

(Signed) J. H. DRUMMOND HAY.

No. 150.

Mr. West to Earl Granville.—(Received June 10.)

(No. 133.)

My Lord,

Madrid, June 6, 1880.

I have the honour to report to your Lordship that the 6th sitting of the Conference on the affairs of Morocco was held to-day. The President having asked the French Plenipotentiary whether he was now prepared to discuss the propositions which I had presented, and which were before the Conference for consideration, replied that he could not do so, as his instructions were to maintain the unrestricted choice of agents (censaux), Consular protection, and their immunity from local jurisdiction. Cid Mahommed Bargash then stated his reasons for adhering to my propositions as the basis for an arrangement, but as the unconciliatory language of the French Plenipotentiary made it apparent to me that if a discussion of them was insisted upon, the Conference would come to an end, I stated that I was willing to withdraw them upon the understanding that others which might be presented in their place to the Conference should be taken into consideration. The Austro-Hungarian Plenipotentiary then made his proposals, and was followed by the Italian Plenipotentiary with his, whereupon the President adjourned the Conference until they could be printed and distributed for the information of the other Plenipotentiaries.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 151.

Mr. West to Earl Granville.—(Received June 10.)

(No. 134.)

My Lord,

Madrid, June 7, 1880.

WITH reference to my preceding despatch, I have the honour to state to your Lordship that the language of the French Plenipotentiary was even still more unconciliatory than it had previously been at the several sittings of the Conference. The determination to adhere to the strict letter of the Règlement of 1863 was announced in

almost menacing tones, rendering any calm discussion of the propositions before the Conference impossible.

As I was aware that the Austro-Hungarian Plenipotentiary wished to present some proposals, I withdrew mine, but the French Plenipotentiary at once objected to the new ones, and I much doubt whether they can be made the basis of an arrangement. The Italian Plenipotentiary proposed a scheme which would simply increase the evil, and enable the Italian Legation at Tangier to continue its trade in protection on a larger and more profitable scale.

As the French Plenipotentiary applied for fresh instructions, as reported in my despatch No. 122 of June 1, it is to be presumed that he is acting in accordance with them.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 152.

Sir C. Wyke to Earl Granville.—(Received June 11.)

(No. 58.)

My Lord,

Copenhagen, June 8, 1880.

FOR the information of Mr. West, I have the honour to transmit herewith copy of a note which I have just received from Baron Rosenörn-Lehn referring to a proposal brought by the Austrian Minister to the notice of the other foreign Representatives at the Conference at Madrid, with a view of obtaining the establishment of religious liberty and toleration in Morocco.

Your Lordship will perceive by this communication that the Danish Government is quite willing to adopt the same line of conduct as that followed by Her Majesty's Government with reference to this matter.

I have, &c.
(Signed) CHARLES LENNOX WYKE.

Inclosure in No. 152.

Baron Rosenörn-Lehn to Sir C. Wyke.

M. le Chevalier,

Copenhagen, le 7 Juin, 1880.

LE Gouvernement d'Autriche-Hongrie a pris l'initiative de proposer aux Puissances actuellement représentées à la Conférence de Madrid de profiter de cette occasion pour faire établir au Maroc le principe de la liberté des cultes par un arrangement international analogue à celui qui fut pris par le Congrès de Berlin à l'égard des sujets de la Porte.

Le Gouvernement du Roi se plaît à reconnaître la justesse des idées qui ont inspiré une telle proposition. Mais, par suite de la nature restreinte de nos intérêts au Maroc, nous ne connaissons pas suffisamment l'état des choses dans ce pays et nous manquons d'éléments nécessaires pour juger jusqu'à quel point le principe en question pourra y être mis en exécution actuellement. Nous devons donc renoncer à exprimer une opinion sur l'opportunité d'adresser à présent une pareille demande au Sultan du Maroc, et la circonstance que le Gouvernement de Sa Majesté la Reine a bien voulu autoriser son Ministre à Madrid à représenter le Danemark au sein de la Conférence me fait regarder comme le plus naturel pour nous de subordonner notre résolution à celle que le Gouvernement d'Angleterre prendra dans la question. J'ai répondu dans ce sens à la proposition du Gouvernement d'Autriche-Hongrie, et je vous serais très-reconnaissant, M. le Chancelier, de vouloir bien en informer Mr. West par l'entremise de votre Gouvernement.

Veillez, &c.
(Signed) ROSENÖRN-LEHN.

Count Piper to Earl Granville.—(Received June 12.)

M. le Comte, *Légation de Suède et Norvège, Londres, le 11 Juin, 1880.*
 A LA Conférence réunie à Madrid dans le but de porter remède à certains abus dans l'exercice du protectorat étranger au Maroc, à savoir, l'usage d'après lequel les Agents des Puissances étrangères accordent sans discernement la protection de leur Gouvernement à des sujets Marocains, dont un nombre considérable est ainsi soustrait à l'autorité du Sultan, et l'exemption de tout impôt ou redevance à l'Etat Marocain dont jouissent les protégés des Gouvernements étrangers, les Représentants de quelquesuns des Etats riverains de la Méditerranée, notamment celui d'Italie, ont émis l'opinion que la cessation complète du protectorat dans l'empire quasi barbare du Maroc serait suivie de graves inconvénients pour leur commerce; et que par conséquent ils préféreraient de conserver le privilège d'accorder leur protection à des sujets Marocains, tout en entourant ce privilège de garanties qu'à leur point de vue doit lever les objections du Gouvernement de Sa Majesté Chérifiennne. Ainsi ce serait le Gouvernement étranger lui-même et non son Agent à Tanger qui délivrerait l'acte constatant la qualité du protégé, et celui-ci ne serait pas exempté par cette qualité de payer l'impôt à l'égal de ses compatriotes moins favorisés.

Les considérations que l'Italie a fait valoir afin d'obtenir l'appui à la Conférence de ses opinions ont paru à première vue mériter une attention sérieuse, et par conséquent le Ministre du Roi à Madrid a été invité à ne pas s'engager définitivement dans un sens contraire aux vues du Cabinet du Quirinal sans que le Gouvernement du Roi ait été dans le cas de juger si ces vues ne sont pas conciliables avec celles qu'il désire lui-même faire prévaloir.

Le désir du Gouvernement du Roi étant cependant toujours de marcher d'accord avec celui de Sa Majesté Britannique en tant qu'il s'agit de mettre fin aux abus qui ont motivé la Conférence de Madrid, je viens d'être invité à lui faire connaître le plus tôt possible l'opinion du Gouvernement Britannique sur la proposition Italienne.

J'ose donc espérer, M. le Comte, que votre Excellence voudra bien me mettre à même de faire part sans délai au Gouvernement du Roi des renseignements qu'elle voudra bien me communiquer à ce sujet; et je saisis, &c.

(Signed) EDW. PIPER.

Mr. West to Earl Granville.—(Received June 14.)

(No. 137.)

My Lord,

Madrid, June 9, 1880.

I HAVE the honour to inform your Lordship that the seventh sitting of the Conference on the affairs of Morocco was held to-day. The Austro-Hungarian Plenipotentiary presented his propositions, printed copy of which is annexed, and it was decided to take them into consideration.

The French Plenipotentiary in a long speech objected to them on nearly the same grounds as he had objected to mine, and supported those of the Italian Plenipotentiary likewise herewith inclosed.

The first Article was, however, agreed to. The second was at once refused by Cid Mahommed Bargash, who declared that all the abuses of which his Government complained, and for which the Conference had met in order to find a remedy, arose from the choice of native agents not being restricted to the inhabitants of the towns and ports. As, however, he had not had time to cause a translation of the propositions to be made into Arabic he requested the adjournment of the Conference, which was acceded to. On my part I begged to reserve any observations I might have to make upon the propositions which had been presented.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Nouvelles Propositions présentées par M. le Plénipotentiaire d'Autriche-Hongrie et conçues dans le but d'opérer un rapprochement avec le Projet de M. le Plénipotentiaire d'Italie.

LA protection des agents ou censeaux, qui ne s'étendra que sur leurs femmes et enfants mineurs demeurant avec eux sous le même toit, s'exercera de la manière déterminée par les Articles suivants. Leur nombre sera celui prévu par le Règlement de 1863, c'est-à-dire il sera limité à deux par chaque maison de commerce et chaque comptoir entretenu par elle.

2. Les agents ou censeaux seront choisis de préférence dans les villes et les ports, mais ils pourront être choisis aussi dans les campagnes excepté les districts militaires et où la population est soumise comme réserve au service militaire. (Dans le cas où l'agent aurait d'après la loi à concourir au maintien de l'ordre dans son district pendant qu'il se trouverait empêché par les affaires du négociant de remplir lui-même ce devoir, il devra indiquer un substitut apte à le remplacer.)

3. La protection ne dispensera pas l'agent du paiement des impôts, ni de l'acquittement des charges qui pèsent sur ses biens immeubles, mais on aura soin d'en déterminer la quotité par un accord entre le Gouvernement Marocain et les Chefs de Mission.

4. Les agents et censeaux auront à se conformer comme tout autre acheteur aux Règlements d'usages établis pour les marchés; et ils ne pourront se délier d'une vente déjà formellement conclue que par les voies judiciaires.

5. Aucun agent ne pourra être arrêté pendant l'exercice de ses fonctions qu'en cas de flagrant délit. On entend par le terme "exercice de ses fonctions" le temps compris entre le moment où il se rend au marché de l'intérieur pour y faire ses opérations d'achat jusqu'à son retour à la ville où le négociant qu'il sert est domicilié. Si une autorité Marocaine faisait arrêter un agent ou censal pendant l'exercice de ses fonctions, sauf le cas de flagrant délit, elle sera châtiée et en sera tenue responsable du dommage causé par cette arrestation au négociant qui l'emploie.

6. Chaque fois qu'un agent ou censal est arrêté ou mis en cause, pendant ou en dehors de l'exercice de ses fonctions, pour crime ou délit, il ne pourra être jugé que dans un endroit où se trouve un Consul de l'Etat dont il est le protégé. L'agent accusé sera remis entre les mains du Consul et sera détenu au Consulat jusqu'à ce que le Jugement aura été rendu. Le Consul fera comparaître l'agent devant le Tribunal local qui aura à le juger, chaque fois qu'il en sera requis par ce Tribunal, et pourra assister à la procédure. Si l'agent est convaincu du crime ou délit dont il est accusé, on lui retirera la protection et on le livrera aux autorités Marocaines pour lui faire subir sa peine.

7. Dans le cas de l'arrestation d'un agent ou censal, on rédigera ou fera rédiger en sa présence l'inventaire des marchandises et de l'argent qu'il possède, soit pour son compte du négociant qu'il sert [*sic*]. Cet inventaire sera signé par deux notaires, par l'autorité supérieure de l'endroit où l'arrestation se fait, ainsi que par deux témoins connus par leur honorabilité et finalement par l'agent lui-même. Une copie de cet inventaire lui sera remise sur l'acte, une autre copie sera envoyée au Ministre des Affaires Etrangères à Tanger pour être consigné au Chef de la Mission dont relève l'agent, et le Gouvernement de Sa Majesté le Sultan sera responsable des valeurs et des marchandises inventoriées.

8. Quant aux causes civiles intentées contre un agent, celles qui ont trait aux intérêts du négociant qu'il représente seront déferées au Consulat dont dépend le négociant; celles qui sont propres à l'agent seront jugées par les Tribunaux locaux, après qu'avis aura été donné au Consul le plus proche de la nation dont dépend le négociant qui emploie l'agent, afin que ce Consul puisse assister, soit en personne soit par un Délégué, au Jugement de la cause. Le Consul pourra de même faire surveiller l'exécution de la sentence.

9. Toute cause, tant criminelle que civile, intentée contre un agent protégé est susceptible d'un appel au Ministre des Affaires Etrangères à Tanger, et toute accusation injuste portée contre un agent en rendra responsable l'auteur quelqu'il soit, et, en dehors de la punition qui lui sera infligée, il aura aussi à rembourser tous frais et dommages causés à l'agent ou au négociant qu'il représente.

10. La qualité d'agent ou censal sera constatée par un document accompagné d'une traduction Arabe délivré par la Légation dont dépend le négociant qui l'emploie. Avis en sera donné au Ministre des Affaires Etrangères, afin que celui-ci puisse, à son tour, informer l'autorité de l'endroit où demeure l'agent.

*Propositions présentées à la Conférence de Madrid dans la Séance du 6 Juin par
M. le Plénipotentiaire d'Italie.*

LES agents commerciaux ou censeaux jouiront de la même protection dont jouissent les protégés de première catégorie ainsi que leurs biens immeubles leur appartenant légalement. Ils ne pourront être arrêtés que dans le cas où ils seraient surpris en flagrant délit de meurtre. Dans tous les autres cas ils ne pourront être arrêtés sous aucun prétexte. Ils seront choisis dans les villes de la côte et dans l'intérieur, excepté dans les districts militaires et où la population est soumise, comme réserve, au service militaire.

2. Les agents paieront l'impôt agricole et la taxe des portes dans la quotité qui sera déterminée d'un commun accord entre le Gouvernement Marocain et les Chefs de Mission.

3. En cas d'arrestation pour flagrant délit de meurtre, l'agent ou censal rédigera ou fera rédiger en sa présence l'inventaire de la marchandise et de l'argent qu'il possède, soit pour son compte, soit pour compte du négociant dont il est au service; cet inventaire sera signé par deux notaires, par l'autorité supérieure de l'endroit, par deux témoins connus par leur honorabilité, et par l'agent lui-même. Une copie de cet inventaire lui sera remise sur l'acte, une autre copie sera envoyée au Ministre de Sa Majesté le Sultan à Tanger pour être consignée au Chef de la Mission dont relève l'agent, et le Gouvernement du Sultan sera responsable des valeurs et de la marchandise inventoriées.

4. L'agent jouira exclusivement de la juridiction Consulaire comme les autres protégés.

5. Les négociants pourront avoir pour chaque comptoir deux agents commerciaux, c'est-à-dire, le nombre indiqué par le Règlement de 1863.

6. Les agents ou censeaux auront à se conformer, comme tout autre acheteur, aux Règlements et usages établis pour les marchés, et ils ne pourront se délier d'une vente formellement conclue que par les voies judiciaires.

7. Si un agent ou censal venait à être accusé de quelque faute punissable ou de quelque délit, l'autorité de l'endroit le dénoncera avec les preuves à l'appui, au Ministre des Affaires Etrangères à Tanger, et celui-ci, à son tour, au Chef de la Mission dont il relève, pour y être jugé.

8. Si une autorité Marocaine faisait arrêter un agent ou censal, sauf le cas de flagrant délit de meurtre, elle sera châtiée et en outre tenue responsable envers son Gouvernement du dommage que cette arrestation aurait pu causer au négociant dont l'agent est employé; et le Gouvernement sera responsable de ce dommage envers le même négociant.

9. La qualité d'agent ou censal d'un indigène sera constatée par un document délivré par le Chef de Mission dont dépend le négociant qui l'emploie, et ce document sera traduit en langue Arabe.

Le Chef de Mission donnera en outre avis au Ministre des Affaires Etrangères, de l'inscription sur ces registres du dit agent.

No. 155.

Mr. West to Earl Granville.—(Received June 14.)

(No. 141.)

My Lord,

Madrid, June 11, 1880.

I HAVE the honour to transmit to your Lordship herewith printed copies of Protocol No. 5 of the sitting of the Conference on the affairs of Morocco of the 1st instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Protocole No. 5.—Séance du 1^{er} Juin, 1880.

LA Conférence ne s'étant pas réunie le 31 Mai pour des raisons que M. le Président expose brièvement, la cinquième séance est ouverte le 1^{er} Juin à 1 heure et demie.

Étaient présents: MM. les Plénipotentiaires d'Allemagne, d'Autriche-Hongrie, Belgique, Espagne, États-Unis d'Amérique, France, Grande Bretagne, et Danemark, Italie, Maroc, Pays-Bas, Portugal, et Suède et Norvège.

Le procès-verbal de la séance antérieure est lu et approuvé.

Le Président, après avoir constaté que l'ordre de la discussion appelle les Nos. 14 et suivants de Tanger, propose à la Conférence de prendre en considération l'ensemble des Nos. 14 à 16 qui portent également sur la situation des censeaux.

Le Plénipotentiaire de France pense que l'on pourrait examiner par numéros les propositions qui ont été présentées par le Gouvernement Marocain.

Le Plénipotentiaire du Maroc, rappelant que les nouvelles demandes qu'il a présentées à Madrid ne font que reproduire le langage qu'il a tenu aux Représentants étrangers réunis chez lui à Tanger le 19 Juillet, 1879, demande à retirer sa déclaration de Madrid et à s'en tenir à ce qu'il a dit à Tanger. Il n'a voulu qu'exposer les maux dont souffre son pays, il en attend le remède de la Conférence, et préfère discuter ce qu'elle proposera.

Il ajoute qu'en présence des préjudices qu'occasionne la protection accordée aux censeaux, le Sultan pourrait user du droit, que lui reconnaissent les Traités, d'interdire l'exportation. Il pourrait aussi déclarer que le commerce ne s'exercerait désormais que par les ports qu'il désignerait. Mais il n'aura recours à aucune de ces mesures, aimant mieux s'en rapporter à l'équité des Plénipotentiaires appelés à discuter cette question d'un intérêt vital pour le Maroc.

Le Plénipotentiaire de France observe qu'au moment de passer à l'examen de la protection accordée à la deuxième catégorie de protégés, les censeaux, on ne saurait admettre qu'elle soit définie par analogie, comme le fait le No. 14. Il importe de mieux établir leur situation, et il propose une rédaction reproduisant les termes du Règlement de 1863.

M. le Plénipotentiaire de la Grande Bretagne demande à présenter quelques observations. Il estime que le Plénipotentiaire du Maroc ayant retiré les additions aux demandes Nos. 14, 15, et 16 de Tanger, la Conférence devrait discuter d'autres moyens, afin d'arriver, d'un commun accord, à la solution des points dont il s'agit. Mais avant de soumettre à la Conférence les propositions qu'il a rédigées à cet effet, il doit déclarer que son Gouvernement désire maintenir l'indépendance du Sultan du Maroc, ainsi que son autorité dans son propre territoire, et souhaite qu'il soit libéré des abus de la protection étrangère.

C'est donc dans les intérêts de l'Empire du Maroc et dans les intérêts du commerce légitime qu'il soumet les Articles suivants, qu'il propose de substituer, dans la discussion, aux Nos. 14, 15, et 16:

"1. Les agents, courtiers, ou censeaux indigènes des négociants étrangers seront choisis parmi les habitants des villes ou des ports et non parmi les habitants de la campagne.

"2. Tout agent indigène de négociant étranger sera muni d'une lettre du Gouverneur de la ville d'où il procède, afin que l'autorité de la campagne le reconnaisse comme tel agent.

"3. Le nombre de ces agents pour chaque maison de commerce, sera d'un, deux ou trois en proportion de l'importance de la maison de commerce.

"4. Les agents seront soumis à la juridiction locale. Ils seront traités et considérés comme les autres sujets du Sultan du Maroc, et comme eux soumis au paiement des contributions dues au Gouvernement Shériffien.

"5. Si un agent, dans la campagne, est accusé de meurtre ou de tout autre acte punissable, et arrêté, l'autorité de la campagne ne le jugera pas ni lui imposera aucune peine, mais elle se limitera seulement à l'arrêter.

"6. Un inventaire de toute propriété en possession de l'agent, appartenant au négociant qui l'emploie, sera dressé par les notaires publics et signé par l'agent, s'il sait écrire, en union des notaires. Deux copies de cet inventaire seront envoyées au Gouverneur du port où réside le négociant, qui en donnera une au Consul de la nation du négociant, et le Gouverneur de l'intérieur sera tenu responsable de la sûreté de cette propriété.

"7. L'agent arrêté à la campagne sera envoyé, avec toutes les preuves constatant son crime ou délit, au port où réside le négociant qui l'emploie pour y être jugé en présence du Consul de la nation qui protège le négociant.

"8. Si l'agent est trouvé coupable, la lettre du Gouverneur dont parle l'Article 2, ainsi que l'agence, lui seront retirées, et le négociant devra en nommer un autre pour se charger de sa propriété.

"9. Si au contraire, l'agent est reconnu innocent, l'affaire sera portée à la connaissance du Sultan par le Représentant de la nation du négociant, et le Gouverneur ou Cheik qui aura porté la fausse accusation sera puni, et une satisfaction lui sera donnée en proportion de l'injustice dont il aurait été victime."

M. le Président observe qu'il a eu connaissance d'autres propositions que le Plénipotentiaire d'Autriche-Hongrie avait préparées, et adresse à ce dernier la demande s'il ne voudrait pas les présenter.

M. le Plénipotentiaire d'Autriche-Hongrie répond que son projet étant conçu d'un point de vue différent de celui du Plénipotentiaire de la Grande Bretagne, il croit devoir laisser la priorité à la discussion du projet Anglais et faire dépendre la présentation de ses propositions de l'accueil qu'auront trouvé celles de Mr. West.

Le Plénipotentiaire de France dit que la rédaction qu'il a proposé de substituer au numéro 14 des propositions Marocaines reproduit le texte de 1863, dont le Gouvernement Français ne peut se départir. Il rappelle qu'aucun Traité n'avait limité, pour la France, le nombre de ses protégés; en le fixant, en 1863, à deux censeaux par comptoir, on a déjà peut-être été au delà, comme concession, de ce qu'exigent les intérêts des négociants Français. Il déclare qu'il ne pourrait accepter que le nombre des censeaux fût encore réduit.

Le Plénipotentiaire d'Autriche-Hongrie fait remarquer qu'il serait essentiel d'examiner en premier lieu si les censeaux continueront à être admis à la protection, et dans quelle mesure.

Le Plénipotentiaire de France n'entend discuter que sur la base du fait existant, c'est-à-dire, la situation établie par le Règlement de 1863, qui ne mentionne que des censeaux protégés.

Le Président observe que la Conférence sera nécessairement amenée à s'occuper de la nature même de la protection dont pourront jouir les courtiers indigènes. Les articles lus par M. le Plénipotentiaire de la Grande Bretagne impliquent déjà une solution de cette question de principe.

Le Président pense, comme M. le Plénipotentiaire de France, que l'on ne saurait établir la situation des censeaux par une analogie.

La définition des censeaux contenue dans le Règlement de 1863 semble irréprochable. Ce texte établit en même temps deux catégories de protégés: le Président est d'avis qu'il serait utile de faire précéder par cette déclaration l'examen de la question des censeaux. Il appartiendra ensuite à la Conférence de décider si la protection doit être la même pour les deux catégories de protégés.

Le Gouvernement Marocain a cru évidemment qu'on pourrait établir une distinction entre les deux catégories. Les Articles présentés par les Représentants de la Grande Bretagne à Tanger et à Madrid témoignent de la même persuasion.

Comme Plénipotentiaire d'Espagne, M. Cánovas del Castillo serait du même avis. Selon lui, il serait possible de déduire du texte même de 1863, qui est commun à l'Espagne et à la France, qu'on n'a pas entendu assimiler complètement les employés des négociants aux employés des Consuls: les catégories supposent une distinction.

Cette question est également soulevée par les demandes Marocaines et par les propositions Anglaises. Toutefois, M. le Président n'entend pas entrer pour le moment dans le fond de la question; ses remarques n'ont d'autre but que d'indiquer les opinions qui pourront se faire jour dans le courant de la discussion. Pour le moment il désire seulement consulter la Conférence sur l'ordre à suivre dans les débats qui vont s'engager.

M. le Plénipotentiaire de France ne croit pas que le texte de 1863 puisse être interprété comme il vient d'être fait. Pour lui, les catégories qu'établit ce texte sont basées naturellement sur les qualités des personnes et non sur la nature de leurs droits: l'identité de ces droits est, au contraire, absolue et confirmée par dix-sept ans d'un usage continu.

M. le Plénipotentiaire de Belgique pense qu'il est préférable de discuter sur l'ensemble des Nos. 14 à 16, ainsi qu'il a été proposé par le Président. Il faut avant tout examiner quelle sera la protection qu'on accordera aux censeaux.

Le Plénipotentiaire de France ne s'oppose pas, si la Conférence le préfère, à ce que la discussion porte sur l'ensemble des Nos. 14 à 16.

Le Plénipotentiaire d'Autriche-Hongrie observe qu'il importe d'examiner dès le principe si la question des censeaux devra être discutée sur la base, préférable à son avis, des Traités existants, ou sur celle des propositions Marocaines ou Anglaises, qui paraissent faire abstraction de ces Traités.

Le Plénipotentiaire de Portugal, d'accord avec le Président et M. le Plénipotentiaire de Belgique, croit qu'il faut discuter ensemble les Nos. 14 à 16. Ces numéros ont toujours été réunis dans les délibérations antérieures: la nature même des faits et des propositions l'a exigé.

En discutant ainsi l'ensemble de la question sur la base, déjà adoptée, des propositions Marocaines, on sera amené naturellement à traiter la question de principe, soulevée par le Plénipotentiaire d'Autriche-Hongrie. En effet, les Nos. 14, 15, et 16 constituent en eux-mêmes une modification des Traités existants. Il ne s'agit point seulement pour la Conférence de constater ce qui existe dans les Traités; elle a déjà fait plus que d'en interpréter les textes: l'addition faite au No. 4 est une extension et par conséquent une modification d'un des Traités existants; il est évident qu'on pourra d'un commun accord les modifier sur d'autres points également.

Le Président constate que le droit actuel est incontestablement celui qu'établissent les Traités existants et, en particulier, le texte de 1863; il est non moins évident, et il a déjà été reconnu, que l'objet même des délibérations de la Conférence est la modification de ces Traités. L'ordre de la discussion paraît ressortir de ce point acquis.

Le Président demande à M. le Plénipotentiaire du Maroc s'il entend maintenir les demandes présentées à Tanger sous les Nos. 14, 15, et 16.

Le Plénipotentiaire du Maroc déclare qu'il ne veut qu'exposer les maux de son pays, et qu'il laisse à la Conférence le choix des moyens propres à y porter remède. Il ajoute que ses plaintes sont les mêmes qu'il a déjà formulées à Tanger, et qu'il est disposé, ainsi qu'il l'a dit à cette époque, à entrer dans la discussion de tout nouvel arrangement qui pourrait mettre fin aux maux de son pays, tout en sauvegardant les intérêts légitimes du commerce. Il déclare, à plusieurs reprises, qu'il ne propose rien et s'en rapporte à la Conférence.

En présence de ces déclarations de Sid Mohammed Vargas, et les Plénipotentiaires étant d'accord pour prendre comme point de départ de leurs délibérations sur cette question les plaintes présentées à Tanger par le Gouvernement Marocain, le Président consulte les Plénipotentiaires sur le choix des propositions à discuter.

Le Plénipotentiaire d'Allemagne est d'avis d'adopter comme base les Nos. 14 à 16 Marocains.

Le Plénipotentiaire d'Autriche-Hongrie demande que l'on prenne en considération les plaintes du Maroc, en passant à la discussion des propositions de l'Angleterre, puisque le Plénipotentiaire du Maroc a retiré les siennes.

Le Plénipotentiaire de Belgique constate que le Maroc ayant retiré ses demandes, la Conférence se trouve en présence du projet Anglais, qui doit servir de base à la discussion.

Le Plénipotentiaire d'Espagne est du même avis que les Plénipotentiaires d'Autriche-Hongrie et de Belgique.

Le Plénipotentiaire des Etats-Unis adhère à la demande de celui d'Autriche-Hongrie.

Le Plénipotentiaire de France demande que la discussion s'engage sur les propositions de Tanger.

Le Plénipotentiaire de la Grande Bretagne demande la priorité de discussion pour les Articles qu'il a présentés.

Le Plénipotentiaire d'Italie vote pour la discussion des propositions Marocaines.

Le Plénipotentiaire du Maroc répétant qu'il s'en rapporte à la Conférence, les Plénipotentiaires des Pays-Bas, Portugal, et Suède et Norvège déclarent partager l'avis qui a été exprimé par le Plénipotentiaire de Belgique.

M. le Comte de Casal Ribeiro observe, toutefois, qu'il eût été plus naturel que le Maroc modifiât la rédaction de ses demandes, ou en présentât de nouvelles; mais il ne croit pas que cette question toute de forme puisse faire une difficulté réelle pour discuter les propositions Anglaises.

Le Plénipotentiaire de France déclare qu'il était prêt à accepter la discussion sur le terrain où elle avait été placée à Tanger; mais que si l'on doit discuter les Articles présentés par l'Angleterre, il est obligé de prier la Conférence de s'ajourner, afin de lui permettre de faire connaître à son Gouvernement les nouvelles propositions Anglaises.

La Conférence s'ajourne, suivant le désir exprimé par M. le Plenipotentiaire de France.

La Séance est levée à 4 heures.

(Signé)

COMTE SOLMS.
COMTE LUDULE.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JUARES.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
COMTE DE CASAL RIBEIRO.
H. AKERMAN.

No. 156.

Mr. West to Earl Granville.—(Received Received June 15.)

(No. 142.)

My Lord,

Madrid, June 12, 1880.

I HAVE the honour to inform your Lordship that the 8th sitting of the Conference was held to-day, when the second proposition of the Austro-Hungarian Plenipotentiary was discussed. Cid Mahommed declared that he could not accept that the "censaux" should be chosen from among the inhabitants of the country. The French Plenipotentiary maintained the same attitude, whereupon Cid Mahommed proposed that the question of the choice of the "censaux" should be reserved, and the discussion of the other demands proceeded with. The French Plenipotentiary objected, and the Conference was adjourned *sine die*.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 157.

Earl Granville to Sir J. H. Drummond Hay.

(No. 48.)

Sir,

Foreign Office, June 15, 1880.

I TRANSMIT to you, herewith, copies of a correspondence with Count Károlyi respecting a suggestion of the Austro-Hungarian Government that a proposal that the Emperor of Morocco should be invited to make a declaration in favour of religious toleration, should be brought before the Congress now assembled at Madrid.

You will see that Her Majesty's Government have replied that it appears to them that it would be better to adhere to the conditions on which the Conference was summoned, and which restrict its scope to the question of irregular protection. They have, however, intimated that they will be happy to join the Austro-Hungarian Government and the other Powers, when the Conference is concluded, in addressing an earnest representation to the Government of Morocco against the persecution of the Jews and other non-Mussulman subjects of the Emperor, and in urging upon that Government the necessity of extending equal privileges and full religious liberty to all classes of the population.

The reports which you have furnished and especially your recent despatches show that the Government of Morocco is, as you describe it, one of the worst in the world, and Her Majesty's Government concur with you in considering that the Representatives of friendly Powers should take every opportunity of urging the Emperor to introduce, gradually, reforms in the present system which may tend to put a stop to the cruel tyranny and extortion practised by Governors both towards his Mahomedan and Jewish subjects, and to point out to His Majesty, in friendly language, that if this state of affairs continues, it must, sooner or later, end in a catastrophe which will be fatal to his dynasty.

There can be no doubt that the condition of Morocco demands the attention of the European Powers who cannot be expected to continue to regard unmoved the oppression of the Jewish and other non-Mussulman subjects of the Empire, or to

listen to the plea of fanaticism which is put forward as the reason why the Moorish Government are unable to relax the degrading usages to which non-Mussulmans are compelled to submit.

The ruin in which the Turkish Empire has become involved by maladministration and corruption should afford an example to the Emperor and his advisers of the dangers which menace the Government of a Mussulman State which disregards the principles of Government recognized in all civilized countries, and thereby exposes itself to foreign intervention as the only means of rescuing the population from the oppression of its rulers.

Her Majesty's Government will be glad to learn from you whether, in your opinion, the evils which are prevalent in Morocco can possibly be remedied under the present system, and whether the joint representation of the Powers would be sufficient to bring about satisfactory reforms, and what would be the form which that representation should take in order to impress the Emperor with an adequate sense of the necessity for an amendment in the administration both in the towns and in the provinces, and for granting full civil and religious liberty to all subjects of the Empire.

I am, &c.

(Signed) GRANVILLE.

No. 158.

Mr. West to Earl Granville.—(Received June 16.)

(No. 143. Confidential.)

My Lord,

Madrid, June 13, 1880.

WITH reference to Sir J. Drummond Hay's despatch No. 107 of the 7th instant, and to the remark therein contained that the policy pursued by the French Government in the question of protection is with a view of bringing about such a state of chaos as would ultimately lead to a French occupation of Morocco, I have the honour to state to your Lordship that the attitude of the French Plenipotentiary in the Conference, and to which I have already had occasion to allude, would seem to countenance such a policy. I have the honour to inclose herewith an article from an Algerian paper which also bears out Sir J. Drummond Hay's suspicion.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 158.

Extract from an Algerian Newspaper.

LA question du Maroc est en train de mûrir. La diplomatie Européenne va s'en occuper incessamment. C'est à Madrid, dans le courant de Mai, que se réunira l'aréopage qui doit dicter au Sultan de Fez les conditions de son existence. L'Espagne, qui a mis en avant ce débat, est allée se chercher là un grand ennui, car elle n'ignore pas que la France ne peut lui laisser conquérir le Maroc.

Nous ne voulons pas nous emparer de ce pays, qu'il nous serait si facile de réduire. Mais cela n'est pas une raison pour que nous laissions les autres le prendre.

Ce qui se passe nous fait regretter vivement que l'expédition projetée dans le sud-ouest de nos possessions n'ait pas eu lieu.

Cette occupation, même temporaire, du sol Marocain par nos troupes eût donné à la question son véritable cachet, et démontré que nous avons le droit d'exiger deux choses : la première, une rectification sérieuse des frontières ; et la seconde, c'est d'être chargés exclusivement de protéger le Maroc.

C'est un voisin trop intime pour que nous consentions à laisser personne s'occuper de trop près de ses affaires.

Earl Granville to Count Piper.

M. le Ministre,

Foreign Office, June 16, 1880.

IN reply to your letter of the 8th instant I have the honour to inform you that the Italian Ambassador has spoken to me generally in the sense of the idea for the settlement of the question of foreign protectorate in Morocco to which you refer, but has not made a definite proposal for the adoption of the suggestion by the Conference.

Her Majesty's Government are in communication with Mr. West on the subject, and should any definite decision be arrived at, will not fail to inform you of it. They are, however, disposed to think that it would be best to leave the discussion to be carried on by the Representatives in Conference at Madrid.

I am, &c.
(Signed) GRANVILLE.

Sir J. Drummond Hay to Earl Granville.—(Received June 17.)

(No. 107.)

My Lord,

Tangier, June 7, 1880.

I HAVE the honour to transmit a translation of the Instructions which had been sent by the Sultan to Cid Mohammed Bargash regarding "semsars" or factors of foreign merchants, and the steps His Majesty proposes should be adopted to ensure the safety of their persons and of the property in their hands from the arbitrary action of his Governors in the interior.

This document was delivered to me by one of the Sultan's Secretaries, Cid Mohammed Ben Solyman, who arrived here on the 5th instant.

I observe with satisfaction that the propositions made by Her Majesty's Minister at Madrid to the members of the Conference differ very slightly from those which His Majesty has suggested.

Several British merchants engaged in trade in Morocco, and who make large purchases of produce in the interior, have assured me that it is not at all necessary to employ wealthy native farmers or like persons to effect these purchases, or that agents should be placed under the jurisdiction of Consuls, who reside frequently at a distance of four or five days' journey from the site where the purchases are made, but, on the other hand, they stated that if the French and other foreign merchants continue to employ agents in the interior who are exempted from the jurisdiction of the Moorish authorities, and who, therefore, are enabled to infringe with impunity the regulations of the market, and to dictate their own prices to the vendors, whilst the Moorish authorities have no power of control when an appeal for justice is made against such persons, the agents of British subjects will have to be placed on an equal footing to those employed by the French or other foreign merchants in the purchase of produce, or the latter will be enabled to monopolize the markets.

It cannot be denied that the system of Government in Morocco is most deplorable, and that the authorities are unjust and tyrannical, but I am convinced when stringent orders have been issued by the Sultan in the sense he proposes, and an infraction of His Majesty's Regulations happens to be committed by a Governor, that if the Representative at Tangier who is interested in the case, or if all the foreign Representatives, as being a matter of international interest, unite in requiring that the Governor be made a severe example of by the Sultan, there will be after such an incident better security, even than now prevails for mercantile agents. The very fact of the Sultan declaring that a Governor in the interior shall not be allowed to levy a fine, or even to require the payment of the customary fee for the police when an agent is arrested, together with the knowledge that the Governor may incur the ire of his Sovereign, will suffice to discourage him or any Sheikh in the interior from arresting an agent unless he may have committed a serious transgression of the law, for no pecuniary or other profit can accrue to the Governor or to his myrmidons thereby, but, on the contrary, he incurs the risk of being dismissed from His Majesty's service.

I cannot suppose the French Government desires to paralyze the action of the Moorish authorities in the interior so as to destroy their authority, which must be the case when in every province the majority of the chief people are placed under the

jurisdiction of Consuls, dwelling in many cases at a distant post. The French Government will thus defeat the object they aim at, viz., the security of the property of merchants and of their agents in the purchase of produce. I will suppose, for instance, the following example: An agent is attacked by the inhabitants of a village on account of his overweening conduct towards them, or even without his having given grounds of offence. He is beaten and robbed by an infuriated mob. The agent appeals to the Governor, and the latter replies: "The Chiefs who would, in former times, have been compelled to assist me in the arrest and punishment of the offenders no longer obey my orders; they are under Consular jurisdiction. You can report the outrage to your Consul, and he can appeal to the Sultan. I am powerless."

It appears to me that the French Government and their Minister at Tangier have received very erroneous impressions from the reports of their merchants, who are personally interested in retaining the wealthy farmers in the interior as their agents, not because they really can effect purchases of produce which native agents paid for that purpose and sent from the ports could not purchase, but because the merchants themselves derive great benefit from becoming the partners of these farmers in agriculture. As the latter make over surreptitiously a great part of their cattle, &c., to the merchant, avoiding thus the payment of taxes, and obtaining as "semsars" the privilege of being exempted from military or police service, and from the jurisdiction of their Governors and Sheikhs.

It is notorious that French merchants have enriched themselves by such means, and it is not, therefore, surprising that they should endeavour to impress on their Government and Minister at Tangier that French trade could not be carried on except through agents under French Consular jurisdiction.

The French merchant and French Consul is frequently the same person.

Though I have endeavoured to check the appointment of agents in the interior by persons under my jurisdiction as far as I can consistently do so, yet some merchants have insisted latterly in appointing such agents on the ground that they cannot be deprived of privileges enjoyed by French merchants. The consequences are that I have received complaints that these "semsars," taking advantage of their position, commit infractions of the law, and are even accused of participating in cattle-lifting and other iniquities. What will be the state of affairs when the subjects of all nations enjoy the same privileges as the French?

At Tangier there are five or six French citizens of very moderate means, such as clerk in a mercantile house, a retired inn-keeper, and others. In the list of the French Minister presented to the Moorish Minister each of these persons is allowed one or two "semsars," who are selected from the farmers of this neighbourhood. There are forty-five British subjects heads of families resident at Tangier, most of them in better circumstances than the above-mentioned French residents. Each of these British subjects will be entitled to claim (if an alteration in the present arrangement is not decided on) to be placed on the same footing as the French. They will naturally select also wealthy farmers as their "semsars" or agents.

There are about 200 Spanish heads of families, and many of them also will be entitled to claim equal privileges.

If the chief people of the district near Tangier are placed under foreign Consular jurisdiction, the services of the Basha and Kaid will hardly be required, but the officers and police of each Consulate will have to be increased to conduct the government of this province.

On a reference to a late Consular despatch, No. 17 of the 29th May, your Lordship will have learnt the state of insecurity of property which had been brought about by Consular jurisdiction, paralyzing the action of the local authorities in such a manner that it finally compelled the Representatives to authorize the Moorish police to arrest an European at night who infringed the law.

I will not conceal from your Lordship that there exists of late a feeling on the part of some official persons, both foreign and Moorish, that the policy pursued by the French Government in the question of protection is with the view of bringing about such a state of chaos and confusion that other Powers who are interested in the trade may hereafter be disposed to set aside all political considerations and to invite the French Government to march its forces across the frontier in order to re-establish order. I eschew such fancies, for I entertain too high an opinion of the honourable sentiments which animate generally the French Government to imagine that they would pursue such a Machiavellian policy.

In conclusion, I may add that it appears to me the chief aim of foreign Powers should be to induce the Sultan and his Ministers to enter upon a path of reform in the

system of government which may gradually improve the status of his subjects, both Mahomedans and Jewish.

I should not recommend that this be effected by any precipitate measures urged peremptorily on the consideration of His Majesty, but that it be gradually brought about by the persistent and united action of all the Representatives.

The maintenance of irregular protection, which has been obtained by certain favoured and wealthy persons, both of the Mahomedan and Jewish creeds, contrary to Treaty stipulations, and in many cases through bribery and corruption, cannot, I think, be upheld as the sole and best means of benefitting hundreds of thousands of Jews or millions of Mahomedans who are suffering from the despotism and unjust action of the officers of the Sultan.

The welfare of the entire population of Morocco, and not of a very small favoured minority, ought rather to be the subject for the serious consideration of the civilized Powers of Europe and America.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 161.

The Sultan's Instructions to Cid Mohammed Bargash on the Subject of Semsars or Native Agents of Merchants.—(Communicated to Sir J. H. Drummond Hay by order of the Sultan, 23 Joomad, 1297 [May 1, 1880].)

After preamble,

FOREIGN Governments are aware that it is our desire to afford facilities to commercial transactions, and that trade should be carried on through the semsars of merchants, whether native or foreign, without prejudice or impediment on the part of our Governors in the interior or others, but the Agreement regarding semsars which was entered into with the French, Spanish, and other Representatives at Tangier in 1863 has been found to be prejudicial to these dominions, more especially if it is now to be put in practice by the merchants of all the nations on the ground that each claim to be placed on the same footing.

It would be very injurious for the merchants to select their semsars from the Sheikhs and Chiefs in the interior, for these persons when thus employed oppose, and refuse to submit to, the authority of the Governors in the conduct of affairs appertaining to the provinces, and when called upon to do their duty they reply that they are engaged in selling or purchasing goods on account of their employers, and that they are not under the jurisdiction of any one but Consuls at the ports. If this state of affairs has gone on until now, without causing any serious consequences, it is to be borne in mind that now that all foreign subjects desire to be put on an equal footing the number of semsars will be increased greatly, and in each province there will be about 200 Chiefs protected. Government will be destroyed, for the authorities will neither be able to govern or even to speak to these semsars.

Under these circumstances, we have to order that you bring this matter under the notice of the Conference, and that you will let the members understand that the Agreement (of 1863) about semsars cannot continue in force.

Foreign Governments, from their perfect judgment, will never consent to uphold that Agreement when they learn the injury that it occasions. They must not suppose that when this Agreement is annulled that the Governors will not respect the semsars and agents of merchants, and that they will take possession of their property or moneys, or that they will ill-treat them. Never shall we allow, with God's help, such proceedings. Whosoever of the Governors should act thus we shall punish severely. We require, however, that the said semsars should be selected from the residents at the ports, not from the interior. Each one is to be put in possession of a document signed by his Consul and the Governor of the port, stating where the semsar resides and the name of the merchant who employs him. These semsars shall be free to go where they please. No one shall interfere with their purchasing or selling in the markets of the provinces or elsewhere.

If a semsar commits an act contrary to the law in the interior, the Governor shall arrest him. If he finds him guilty he shall not punish him, and he shall not take any of his property or that of the merchant who employs him. The Governor shall not even require the payment of the fee of the soldier who arrests him, but the day that he is arrested he shall make a list of all that is in the possession of the semsar,

either his own property or that of his employer, in the presence of two notaries. If the arrested semsar knows how to write, he will be required to give his note of hand of the property belonging to him and to his employer, as taken down by the notaries.

Then the Governor will send the semsar to the Governor of the port to which he belongs, and the latter will inform the Consul in order that he may be present when the trial takes place.

If the Governor and Consul agree that the semsar is guilty, his name will be taken off the list of semsars and Judgment will be passed, and the merchant will supply his place by another semsar. If the Governor and Consul do not agree regarding his guilt, the Governor saying that he is guilty and the Consul that he is innocent, the matter will be referred to our Minister for Foreign Affairs at Tangier, so that he may investigate the case whether the Governor of the province had arrested him unjustly.

It is desired that these mercantile agents should pay the regular taxes or dues to the Government, and that they deliver this to the Governor of the port through the Consul. Should one of these semsars commit an illegal act at a port, the Governor shall not arrest him until notice is given to the Consul of the affair, and then the matter will be proceeded with.

We empower you to enter into new arrangements regarding semsars different from that of the above-mentioned date (1863), so that matters be placed on the footing they were before without admitting any regulation which may be objectionable.

Peace!
23 Joomad 1, 1297 (May 1, 1880).

No. 162.

Mr. West to Earl Granville.—(Received June 17.)

(No. 144. Confidential.)

My Lord,

Madrid, June 13, 1880.

PREVIOUS to the last meeting of the Conference, Cid Mahomed Bargash called upon me and asked me for my advice as to the course which, under present circumstances, he should pursue. He read to me the statement he intended to make to the Plenipotentiaries and his remarks upon the assertions which had been made by the French Plenipotentiary with regard to the question of protection. His Excellency then said that he was unable to make any concession with regard to the choice of the "censaux" from the inhabitants of the towns and ports, and that as the French Plenipotentiary had announced his determination to adhere to the Agreement of 1863, and would not admit of any modification of it, he should propose to reserve this question to be treated diplomatically between the two Governments, and that the Conference should proceed with the discussion of the remaining points with which it had to deal.

I had previously intimated to Cid Mahomed that he ought to take up a decided position, and not trust entirely to me to defend his Government, but that at the same time I was willing to support him.

I saw, therefore, no objection to the course he now proposed to take, and accordingly, when the meeting of the Conference took place yesterday, he adopted it. The effect was as I anticipated. The French Plenipotentiary at once saw that the reservation to treat the Agreement of 1863 diplomatically between the two Governments took it away from the cognizance of the Conference as a binding Convention upon which he had all along been insisting, and that, by an exchange of notes similar to those which established it, it could be annulled. Cid Mahomed had clearly a right to make this reservation with regard to the Agreement of 1863, and it now remains to be seen whether the other Plenipotentiaries will regard the refusal of the French Plenipotentiary to proceed with the discussion of the other points, as tantamount to breaking up the Conference.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Mr. West to Earl Granville.—(Received June 17.)

(No. 145.)

My Lord,

Madrid, June 14, 1880.

I HAVE the honour to transmit to your Lordship herewith copies of Protocol No. 6 of the Conference of the 6th instant on the affairs of Morocco.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 163.

Protocole No. 6.—Séance du 6 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 „ d'Autriche-Hongrie,
 „ de Belgique,
 „ d'Espagne,
 „ des États-Unis d'Amérique,
 „ de France,
 „ de la Grande Bretagne et Danemark,
 „ d'Italie,
 „ du Maroc,
 „ des Pays-Bas,
 „ du Portugal,
 „ de la Suède et Norvège.

LA séance est ouverte à 1 heure.

Le procès-verbal de la dernière séance est lu et approuvé.

M. le Plénipotentiaire de France demande la parole et s'exprime en ces termes :—

“ Avant d'entrer dans l'examen des propositions présentées à la dernière séance par notre collègue le Plénipotentiaire de la Grande Bretagne, permettez-moi, Messieurs, de faire tout d'abord cette observation : que lorsqu'une Puissance demande à d'autres nations, avec lesquelles elle est liée par des Traités et des Conventions, de renoncer à une partie des avantages que leur assurent ces actes internationaux, il semblerait naturel, si de sérieuses difficultés s'élèvent, que cette Puissance atténue ses demandes afin de faciliter l'accord. Or, que s'est-il passé ? Dans ses premières demandes le Maroc réclamait simplement, sous les Nos. 14, 15, et 16, le paiement de taxes par les censaux et le droit d'arrêter ces agents en cas de flagrant délit de meurtre ou de violation de domicile. Il y avait déjà dans ces premières demandes certains points qu'il nous eût été difficile d'accepter ; mais le Ministre de la Grande Bretagne à Tanger jugea sans doute qu'on pouvait aller au delà ; car il présenta des propositions dont le premier Article dit qu'il nous sera interdit de prendre des agents commerciaux dans l'intérieur, et Sid Mohammed Vargas accepta cette addition.

“ Les Conférences de Tanger n'ayant pu aboutir, on proposa d'en ouvrir de nouvelles à Madrid, et les Puissances intéressées acceptèrent. Eh bien ! ces demandes sur lesquelles l'entente n'a pu s'établir à Tanger, les atténue-t-on ici ? En aucune façon. Dans les propositions qu'il nous présente dès son arrivée le Plénipotentiaire de sa Majesté Shérifienne reproduit ses demandes de Tanger accrues de l'interdiction de prendre des agents dans l'intérieur ; puis, Sid Mohammed Vargas retire définitivement toutes ses demandes et nous n'avons plus devant nous que les nouvelles propositions du Plénipotentiaire de la Grande Bretagne, qui aggravent encore, dans les Nos. 3 et 4, celles que la Représentant de sa Majesté Britannique avait présentées à Tanger.

“ Après avoir ainsi démontré que de jour en jour on nous a demandé davantage, permettez-moi, Messieurs, de vous exposer les motifs pour lesquels le Gouvernement Français ne saurait accepter les propositions qui nous ont été présentées.

“ En premier lieu, je dirai que nous avons, il est vrai, consenti à rechercher ce qu'il y aurait à faire pour supprimer certains abus qui, je ne crains pas de l'affirmer, nous étaient moins imputables qu'à d'autres ; car nous n'avons jamais usé de nos droits qu'avec modération, et dès les premières réclamations du Gouvernement Marocain

nous avons rayé de nos listes tous les protégés qui n'étaient pas strictement nécessaires pour le service de la Légation et des Consulats, ne conservant, d'autre part, que le nombre de censaux qui nous est accordé par notre Convention avec le Maroc ; mais de la recherche des abus à la suppression de la protection pour nos censaux, qu'on nous propose en réalité, il y a loin !

“ Nous avons, par la Convention de 1863, consenti à réduire à deux par maison de commerce et par comptoir le nombre de nos agents commerciaux. J'ai déjà dit que par cette concession nous étions allés au delà de ce que nous permettaient les intérêts de notre commerce. Assurément, nous sommes désireux d'aider le Maroc à sortir de ses difficultés, et nous pensons lui en éviter pour l'avenir en maintenant les privilèges d'un nombre restreint de courtiers que l'Administration Marocaine connaît, et auxquels elle pourrait, au besoin, faire retirer diplomatiquement la protection s'ils donnaient de justes sujets de plaintes ; mais nous ne pouvons accepter une modification aux termes de notre Convention avec le Maroc, en ce qui concerne la protection acquise aux censaux employés par nos négociants.

“ Nous ne saurions admettre davantage une limitation de notre liberté pour le choix des censaux.

“ Les conditions particulières de notre commerce avec le Maroc nécessitent l'emploi de courtiers indigènes chargés par les négociants d'aller, souvent à de grandes distances des ports, chercher les laines qui fournissent la plus grande partie de l'exportation Française. Vouloir nous interdire de prendre des censaux dans les campagnes, ce serait vouloir nous faire accepter la ruine à courte échéance de notre commerce au Maroc. Il faut indispensablement à nos négociants des agents qui connaissent l'intérieur du pays, les routes, les marchés, les points où ils peuvent s'arrêter sans péril. On a dit que ce serait priver le Sultan des forces dont il aurait besoin en cas de rébellion ; mais, Messieurs, sans compter qu'on envisage là un cas bien exceptionnel, comment admettre que le censal, propriétaire dans l'intérieur, refusera ses services à son Souverain lorsque les contrées qu'il habite seront menacées de troubles ? Mais son propre intérêt sera, au contraire, de se joindre aux troupes de son maître pour assurer le rétablissement de l'ordre, et s'il est engagé dans une opération commerciale et absent, ses parents et ses serviteurs marcheront ; car il y va de son honneur, de son influence personnelle, et souvent de sa vie et de ses biens, de ne pas se soustraire dans un moment de danger au devoir qui incombe à tous. Et à l'appui de ce que viens de dire, j'ajouterai que dans un de ses Rapports, notre Ministre à Tanger, M. de Vernouillet, cite le fait d'un riche agriculteur, censal Français, qui, lorsque les kabyles insurgés menaçaient la ville d'Alcayar, paya plus que tout autre de sa personne et contribua efficacement, en se joignant avec tout son monde aux soldats du Sultan, à faire rentrer dans l'ordre les tribus turbulentes.

“ Enfin, d'autre part ne pourra-t-on pas toujours, comme je l'ai déjà dit, demander par voie diplomatique, de retirer la protection à tout censal qui, exceptionnellement, s'en serait montré indigne ? C'est là assurément une garantie sérieuse.

“ Pour toutes les raisons qui précèdent nous ne pouvons, Messieurs, renoncer au droit que nous avons eu de tout temps de choisir des censaux dans l'intérieur ; car c'est le seul moyen que nous ayons d'entrer en Rapport avec les populations rurales.

“ Quant à admettre que nos censaux soient soumis à l'autorité locale et considérés et traités absolument comme les autres sujets du Sultan, cela nous est également impossible. J'ajouterai que plus encore, peut-être, pour les censaux que pour les employés des Consulats, la protection est indispensable. En effet, il serait difficile que les serviteurs des Légations et des Consulats pussent, sous les yeux de nos agents, souffrir de graves injustices ; on serait là pour intervenir et pour les protéger ; mais nos agents commerciaux dans l'intérieur, qui donc s'entremettra pour eux ? Personne, et ils n'ont d'autre sauvegarde que le titre de protégé qui les couvre.

“ Je ne veux pas insister sur l'état de choses qui règne dans l'intérieur du Maroc ; mais en présence des actes arbitraires qui nous sont journellement signalés, autoriser l'arrestation d'un agent commercial sous l'accusation si facile à faire naître de tentative de meurtre, et même de tout acte punissable comme on le propose, se serait vouloir à chaque instant voir les intérêts de nos commerçants compromis. Il suffirait, en effet, pour écarter d'un marché l'un de nos acheteurs d'élever contre lui une accusation quelconque, quitte plus tard à la reconnaître non fondée ; mais, en attendant, l'achat n'aurait pu s'effectuer et l'un de nos négociants aurait été gravement atteint dans ses intérêts.

“ Enfin, Messieurs, en ce qui touche le paiement des contributions, nous sommes

prêts à admettre que les censaux comme les autres protégés soient, en tant que propriétaires, soumis au paiement des taxes agricoles, avec des garanties à déterminer; mais en retour de notre consentement à ces impositions, nous demandons au Maroc la reconnaissance formelle du droit de propriété pour les étrangers. Il y a une corrélation directe entre ces deux idées, et si notre demande était repoussée, nous nous verrions obligés de nous en tenir aux termes de la Convention de 1863, en ce qui concerne l'exemption de toute taxe pour nos protégés.

“Deux mots encore, et je termine :

“Le Plénipotentiaire de la Grande Bretagne nous a dit que son Gouvernement désire maintenir l'indépendance du Sultan du Maroc. Je répondrai que nulle Puissance ne peut être plus intéressée que la France à l'indépendance de notre voisin le Sultan Muley Hussan, et que personne ne peut désirer plus vivement que nous que l'ordre règne au Maroc; car le contre coup de toute révolte se ferait très-probablement sentir sur nos frontières; mais dans la louable intention de sauvegarder une indépendance que nous ne menaçons certainement pas il ne faut pas nous demander de sacrifier le commerce de la France.

“Le Ministre des Affaires Étrangères du Sultan nous a parlé du droit qu'aurait son Souverain d'interdire l'exportation et de fermer, pour ainsi dire, certains ports. Je ne vois pas vraiment ce que le Maroc gagnerait à agir ainsi, et j'observerai simplement à Sid Mohammed Vargas que pas plus en Afrique qu'en Asie il ne me paraît possible aujourd'hui d'opposer longtemps des barrières au commerce Européen.

“Et maintenant, Messieurs, je me résume en disant: nous ne pouvons laisser restreindre encore le nombre de nos censaux; nous ne pouvons admettre qu'on nous interdise d'en prendre dans l'intérieur; nous ne saurions enfin les laisser tomber sous la juridiction des Cadis.

“Ces bases posées, je dois déclarer qu'il me serait impossible de m'en écarter, et si un de nos collègues présentait d'autres propositions, je ne pourrais entrer en discussion sur des points de détail qu'autant que ces propositions ne seraient point en contradiction avec les vues de mon Gouvernement que je viens d'avoir l'honneur de vous exposer.”

M. le Plénipotentiaire du Maroc dit qu'il avait trouvé acceptables les propositions présentées dans la dernière séance par le Plénipotentiaire de la Grande Bretagne: elles sauvegardent, en effet, les intérêts légitimes du Commerce tout en portant remède, selon son expression, à la maladie mortelle dont souffre le Maroc par suite de la protection accordée aux agents. Il se déclare prêt à souscrire tout arrangement qui, accordant les mêmes avantages aux négociants indigènes qu'aux négociants étrangers, assure cependant la protection la plus complète au commerce étranger, auquel il désire donner toutes les garanties qui seront jugées nécessaires. Il proteste seulement contre la protection personnelle accordée aux courtiers indigènes, telle qu'on la comprend et pratique aujourd'hui, cette protection étant la cause des maux dont souffre son pays: ainsi qu'il l'a dit à Tanger et répété à la Conférence de Madrid, il y va pour le Maroc, dans cette question, de la vie ou de la mort.

Le Sultan pourrait, ainsi qu'il l'a indiqué, être amené par la force des choses à interdire l'exportation. Il serait avec ses sujets la première victime de cette mesure, par la diminution du produit des Douanes et par la cessation du commerce. Néanmoins, de deux maux on choisit toujours le moindre lorsqu'on s'y voit forcé: la vie, même entourée de souffrances, est préférable à la mort. Il verrait encore un moyen de tout concilier, en interdisant la vente ailleurs que dans les ports où résident les négociants étrangers, des articles dont le commerce exige l'intervention des censaux. Il termine en invitant la Conférence, au cas où elle n'approuverait pas ces moyens, à tendre au même but par d'autres propositions, sans pour cela accorder aux censaux la protection personnelle, telle qu'on la comprend aujourd'hui, puisqu'elle jette le désordre dans le pays et annule l'autorité du Sultan, chose que ne peuvent souhaiter les Puissances ses amies.

Le Plénipotentiaire de la Grande Bretagne reconnaît que la discussion de ses propositions est devenue impossible en présence des déclarations que vient de faire M. le Plénipotentiaire de France. Il retire donc les Articles qu'il avait soumis à la Conférence, afin de laisser le champ libre à d'autres propositions.

M. le Président demande si le Plénipotentiaire d'Autriche-Hongrie entend présenter le projet dont il a été question à la dernière séance.

M. le Comte Ludolf répond affirmativement: il doit dire toutefois que ses Articles, qui sont basés sur les Traités existants, y compris le Règlement de 1863, établissent pour les censaux une certaine protection, mais la réduisent aux limites strictement nécessaires.

Le Président rappelle qu'il est acquis à la délibération que le Règlement de 1863 est toujours la base de la discussion. Toute proposition nouvelle présentée à la Conférence ne peut qu'en être une modification, qu'il est libre à chacun de proposer, mais qui doivent être unanimes à accepter.

Le Plénipotentiaire d'Autriche-Hongrie donne lecture de ses propositions.—(Annexe No. 1.)

Le Président consulte les Plénipotentiaires sur la prise en considération de ces Articles comme base de discussion.

M. le Plénipotentiaire de France reconnaît que les Articles qui viennent d'être lus constituent une atténuation des dernières demandes. Ils portent atteinte, néanmoins, aux trois points essentiels sur lesquels son Gouvernement a déclaré ne pouvoir faire des concessions, et qui sont: le nombre des censaux, la limitation du choix de ces agents, et la suppression pour la juridiction Consulaire.

Le Président, constatant qu'il y a lieu sans doute à des différences d'appréciation sur certains points des propositions Autrichiennes,—différences, les unes essentielles, les autres peut-être accidentelles,—croit néanmoins que leur adoption comme base de discussion ne préjugerait aucunement leur acceptation en détail. Il demande à la Conférence de les prendre en considération, sauf à discuter, modifier, ou rejeter chaque proposition séparément, afin que l'on sache exactement sur quels points porte le désaccord.

Le Plénipotentiaire d'Italie demande à présenter un contre-projet, réglant également la situation des censaux, et lit ses propositions.—(Annexe No. 2.)

Le Président, propose à la Conférence de s'ajourner afin de donner temps à l'étude, devenu nécessaire, des projets Autrichien et Italien. La Conférence décidera ensuite lequel de ces projets elle préfère discuter en premier lieu.

Le Plénipotentiaire d'Italie dit qu'en ce cas les propositions du second projet pourraient être prises comme amendements aux Articles du premier.

Le Plénipotentiaire de Portugal déclare son accord avec les observations du Président. Pour le moment l'ajournement est indispensable afin qu'on puisse se rendre compte, après mûr examen, des propositions présentées par les Plénipotentiaires d'Autriche-Hongrie et d'Italie. Il constate que dans la séance précédente on était d'accord que la discussion porterait sur l'ensemble des Nos. 14 à 16 des propositions Marocaines. Celles-ci ont été retirées; le Plénipotentiaire de la Grande Bretagne vient aussi de retirer les siennes. Il reste donc comme base de discussion les propositions Autrichiennes présentées en premier lieu; ensuite les propositions Italiennes qu'on peut considérer comme des amendements.

M. le Comte de Casal Ribeiro est d'avis qu'une discussion d'ensemble sur les propositions Autrichiennes et Italiennes, à l'instar de celle précédemment admise, serait utile avant d'entreprendre l'examen des numéros en détail. Chacun des Plénipotentiaires pourrait ainsi exprimer ses vues sur la matière, et l'on parviendrait peut-être plus facilement à l'accord unanime sans lequel le régime actuel ne saurait être amélioré.

La Conférence s'ajourne au Mercredi, 9 Juin.

La séance est levée à 2 heures et demie.

(Signé)

COMTE SOLMS.
COMTE LUDOLF.
ED. ANSPACH.
A. CÂNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
COMTE DE CASAL RIBEIRO.
H. AKERMAN.

[The Annexes will be found as Inclosures in Mr. West's No. 137 of June 9, 1880.]

Mr. West to Earl Granville.—(Received June 17.)

(No. 146. Confidential.)

My Lord,

Madrid, June 14, 1880.

WITH reference to my telegrams of the 3rd and 9th instant, I have the honour to state to your Lordship that the French Plenipotentiary in the Conference continues to offer the most decided opposition to any modification of the Agreement of 1863.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 165.

Earl Granville to Lord Lyons.

(No. 713.)

My Lord,

Foreign Office, June 18, 1880.

I HAVE this day requested your Excellency, by telegraph, to ascertain what truth there is in a rumour mentioned by Sir J. D. Hay, that the French squadron is expected at Tangier, as a demonstration in connection with the questions now under discussion at the Madrid Conference.

I am, &c.
(Signed) GRANVILLE.

No. 166.

Mr. West to Earl Granville.—(Received June 19.)

(No. 152. Confidential.)

My Lord,

Madrid, June 15, 1880.

WITH reference to the statements made to your Lordship by the Italian Ambassador respecting my attitude in the Conference contained in your Lordship's despatch No. 277 to Sir Augustus Paget, and copy of which was inclosed in your Lordship's despatch to me No. 100 of the 12th instant, I have the honour to remark that the propositions to which his Excellency alludes, as reproduced by me in the Conference after they had been abandoned by the Moorish Plenipotentiary, were in substance similar to those proposed by Sir J. D. Hay at Tangier, and subsequently withdrawn by him in consequence of the Moorish Minister's opposition to them. These propositions were framed with the view of supporting the policy uniformly pursued by Sir J. D. Hay, and in order to free the Government of Morocco from all undue interference on the part of foreign Representatives, and to curtail as far as possible the pernicious system of granting foreign protection to the subjects of the Sultan. The decided opposition of the Italian Plenipotentiary in the Conference to regulations intended to effect so desirable an object, seems inconsistent with the Italian Ambassador's statement that his Government were desirous of putting an end to all abuses grown up in connection with the practice condemned by Her Majesty's Government, and would seem rather to point to a determination practically to maintain them. It is sufficient to refer to the language and proceedings of the Italian Plenipotentiary at Tangier with regard to the maintenance of the system of foreign protection which has given rise to the abuses complained of in support of this supposition, and to remark that his presence at Madrid, during the sitting of the Conference, indicates some apprehension on the part of the Italian Government, that a system, the continuance of which they consider so necessary to their interests, might be curtailed in its operation.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Mr. West to Earl Granville.—(Received June 19.)

(No. 153.)

My Lord,

Madrid, June 16, 1880.

WITH reference to your Lordship's despatch No. 100 of the 12th instant, inclosing copy of a note which your Lordship had addressed to Count Károlyi respecting the proposal that the Emperor of Morocco should be invited to make a declaration in favour of religious toleration, I have the honour to inform your Lordship that the Papal Nuncio called upon me this morning and asked me whether I had received any instructions from your Lordship upon this subject. I replied that Her Majesty's Government, while entirely concurring in the spirit of the proposition, which I understood had emanated from the Austrian Government, thought that it would be better to adhere to the conditions on which the Conference was summoned, and which restrict its scope to the question of irregular protection. At the same time, however, when the Conference is concluded, Her Majesty's Government would be happy to join with the other Powers in addressing an earnest representation to the Government of Morocco in favour of full religious liberty.

His Eminence said that liberty of conscience was also desirable, and that no impediment should be offered to a Moor becoming a Christian. I remarked that I did not think the Sultan would be likely to consent to a violation of the religious law of his country, and that if it was suspected that religious liberty meant conversion in Morocco it would be refused.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 168.

Mr. West to Earl Granville.—(Received June 21.)

(No. 155.)

My Lord,

Madrid, June 17, 1880.

I HAVE the honour to transmit to your Lordship herewith printed copies of Protocol No. 7 of the sitting of the Conference on the affairs of Morocco of the 9th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 168.

Protocole No. 7.—Séance du 9 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,	
" d'Autriche-Hongrie,	
" de Belgique,	
" d'Espagne,	
" des États-Unis d'Amérique,	
" de France,	
" de la Grande Bretagne et Danemark,	
" d'Italie,	
" du Maroc,	
" des Pays-Bas,	
" du Portugal, et	
" de la Suède et Norvège.	

LE procès-verbal de la séance antérieure est lu et approuvé.

M. le Plénipotentiaire d'Autriche-Hongrie demande la parole et s'exprime en ces termes :

" En me conformant aux vœux de la Conférence, je lui soumetts de nouvelles propositions dans lesquelles, pour me rapprocher de celles de M. le Plénipotentiaire

d'Italie, j'ai inséré plusieurs Articles de son Projet. Mais il m'a été impossible de m'entendre avec lui sur deux points essentiels.

"Le premier est celui où M. le Comte Greppi dit, à l'Article 1^{er}, que 'les agents ne pourront être arrêtés que dans le cas où ils seraient surpris en flagrant délit de meurtre.' L'agent aurait donc la faculté de commettre tous les autres crimes jusques sous les yeux de l'autorité et de s'en aller librement sans qu'on pût empêcher sa fuite, puisque personne ne pourrait l'arrêter, pas même pour le soustraire à la vindicte publique. A mon avis, une pareille immunité exorbitante ne saurait être exigée, pas même pour le négociant en personne et encore moins pour son agent indigène.

"M. le Plénipotentiaire d'Italie demande ensuite, à l'Article 4, que les agents soient placés exclusivement sous la juridiction Consulaire. Dans cette disposition, qui introduirait un véritable Etat dans l'Etat et porterait une atteinte sérieuse à l'indépendance du Maroc, j'ai dû reconnaître aussi des incompatibilités et même des impossibilités, que peu de mots suffiront à relever.

"Au criminel, par exemple, et comme on veut aujourd'hui que tous les agents puissent être choisis dans l'intérieur, le Consul, qui exercerait la juridiction sur un agent accusé d'un crime, devrait donc citer ou interroger des témoins qui vivent peut-être à trente ou quarante lieues de sa résidence, ou procéder à des perquisitions domiciliaires chez des Marocains pour constater un fait se rapportant au crime imputé à l'agent. Mais pourra-t-il exercer ces actes de juridiction chez et sur des Marocains? Et si ceux-ci se refusent, comment fera-t-il respecter son autorité? Aura-t-il le droit de requérir à cet effet l'aide des autorités locales? Mais, dans ce cas, sa juridiction s'étendra aussi sur elles et par conséquent sur tout le pays!

"Quant au civil, mêmes difficultés. Les agents des campagnes étant presque tous grands propriétaires de terres, la plupart, sinon la totalité des causes et litiges où le Consul aura à intervenir, se rapporteront à leurs biens-fonds. Tantôt il s'agira d'une dispute sur les limites ou la possession d'un champ, tantôt d'une vente de terre ou d'un partage d'héritage contestés. Le pays étant Mahométan et les deux parties Musulmanes (car il n'y a que les Musulmans qui puissent posséder des biens-fonds), le Consul pourra-t-il juger ces causes, ou celles qui pourront naître du mariage ou divorce de l'agent, d'après la loi Française ou Anglaise? Certainement non, car elles ne sauraient se résoudre que d'après le *Chré* ou le Coran. Mais un Consul saura-t-il interpréter et appliquer le Coran? Et comment fera-t-il exécuter ses sentences si la partie adverse résiste? Encore et seulement avec l'aide de l'autorité locale!

"Par toutes ces raisons et mille autres, j'ai cru devoir m'en tenir à ce que l'expérience de plusieurs siècles a enseigné en Turquie, comme le seul moyen propre à éviter de semblables incompatibilités, c'est-à-dire de ne pas soustraire les agents indigènes à la juridiction des Tribunaux locaux; mais de les protéger seulement en entourant l'action de ces Tribunaux sur l'agent de toutes les garanties et précautions aptes à empêcher l'arbitraire, et à assurer à l'agent un jugement juste et équitable. A cet effet j'ai élargi mon nouveau projet dans quelques-unes de ses parties qui se réfèrent précisément à ces garanties à offrir aux agents inculpés, afin de rendre la protection dont ils jouiront aussi efficace que possible."

Sur l'invitation de M. le Président, le Plénipotentiaire d'Autriche-Hongrie donne lecture de ses nouvelles propositions (voir l'Annexe), qu'il déclare substituer à son premier projet, tout en conservant l'exorde de celui-ci et en laissant à la Conférence l'option de discuter le septième de ces Articles avec sa rédaction primitive.

M. le Plénipotentiaire d'Italie demande à faire quelques corrections aux propositions qu'il a présentées à la dernière séance, en vue de les rapprocher de celles de M. le Plénipotentiaire d'Autriche-Hongrie. Le No. 4 de ses propositions, amendé, sera rédigé ainsi:

"4. L'agent jouira de la juridiction Consulaire comme les autres protégés, excepté toutefois, s'il est Musulman, dans les causes civiles ayant trait à ses biens immeubles et aux affaires d'héritages. Ces causes seront jugées par les Tribunaux Marocains, selon les lois du pays, en présence du Consul dont relève l'agent, ou d'un Délégué de ce Consul. Si l'agent appartient à la religion Israélite, alors ces mêmes causes seront jugées par le Rabbî, selon l'usage établi dans l'Empire du Maroc."

M. le Plénipotentiaire d'Autriche-Hongrie observe que l'amendement à l'Article 4 du Projet Italien a pour résultat de scinder la juridiction pour les mêmes personnes. Ce régime lui semble constituer une anomalie judiciaire, et il croit qu'il serait, dans la pratique, difficile à appliquer.

Le Président consulte les Plénipotentiaires sur la priorité à accorder aux nouvelles propositions Autrichiennes ou aux propositions amendées de l'Italie.

Le Plénipotentiaire d'Allemagne vote pour le Projet Autrichien, comme ayant été présenté le premier à la Conférence. Le résultat à atteindre sera d'ailleurs le même en tous cas, du moment où les propositions Italiennes seront prises en considération comme amendements.

Les Plénipotentiaires de Belgique, d'Espagne, des Etats-Unis, de la Grande Bretagne, du Maroc, des Pays-Bas, du Portugal, et de la Suède et Norvège sont du même avis.

M. le Plénipotentiaire de France eût préféré discuter sur la base des propositions Italiennes comme offrant un terrain sur lequel l'accord eût été pour lui plus facile.

La priorité étant, par suite du vote, attribuée au Projet Autrichien, le Président déclare ouverte la discussion générale qui a été demandée sur les questions relatives aux censaux.

M. le Plénipotentiaire de France a déjà indiqué, dans la dernière séance, qu'il ne lui serait pas possible d'adhérer entièrement aux propositions Autrichiennes. Sur certains points il espère que l'entente sera facile; mais il y en a d'autres sur lesquels il ne pourra assurément céder.

M. l'Amiral Jaurès accepte complètement l'Article 1^{er}.

Sur l'Article 2, il demande qu'on supprime les mots "de préférence" comme établissant une restriction vague qui pourrait donner lieu à des difficultés.

Il ajoute qu'il accepte que les censaux ne puissent être pris dans le district militaire de "Sharda," où tous les hommes naissent soldats et constituent pour ainsi dire la garde du Sultan; mais non dans les districts où la population est soumise comme réserve au service militaire, car ce serait interdire de choisir des censaux, non seulement dans la Gharbia, qui est un centre considérable de commerce, mais encore dans presque tout le Maroc.

Quant au No. 3, il rappelle qu'il a déjà accepté en principe que les censaux paieraient certaines taxes; mais avec des garanties à déterminer et sous la condition que le droit de propriété serait formellement reconnu aux étrangers.

Le Plénipotentiaire de France ne présente pas d'observations sur le No. 4; mais il ne peut en aucune façon accepter le No. 5.

Pour le Gouvernement Français, les censaux jouissent de la protection exactement au même titre que les autres protégés. Il ne peut admettre la distinction que l'on cherche à établir entre la position du censal pendant l'exercice et en dehors de ses fonctions; le censal doit être considéré comme étant en tout temps au service du négociant: s'il n'est pas constamment protégé, il sera toujours possible de lui susciter d'avance des difficultés dans le but de l'empêcher d'arriver sur un marché.

L'arrestation ne peut être permise qu'en cas de flagrant délit de meurtre. Le censal ne pourra se soustraire au jugement qui aurait à l'atteindre pour toute autre crime ou délit; car lorsque ce crime ou délit aura été signalé au Consul, celui-ci fera comparaître l'inculpé, et si après un certain délai il ne s'était pas présenté au Tribunal Consulaire, il serait rayé des listes de protection, et retomberait sous la justice Marocaine.

Les Articles suivants n'étant que des corollaires de l'Article 5, le Plénipotentiaire de France ne les examinera pas, et il se borne à accepter l'Article 10.

En résumé: on a demandé au Gouvernement Français de rechercher, au sein de la Conférence, des remèdes à certains abus. Il en désire sincèrement la suppression, bien qu'il y ait lieu de les croire exagérés: on n'a cité, en effet, qu'un fait de mauvaise foi dans une transaction commerciale; mais on n'a présenté aucun document, aucune statistique qui prouve que l'autorité du Sultan ait été ébranlée, ou l'ordre troublé au Maroc, par la protection qui s'étend aux censaux. La France ne peut admettre la suppression de cette protection qui équivaudrait à la suppression de son commerce. On ne pourra assurément lui reprocher de ne faire aucune concession; car elle a déjà supprimé les protections irrégulières et admis la limitation du nombre des protégés et des censaux. Elle est prête, sous la réserve du droit de propriété pour les étrangers, à consentir au paiement des taxes agricoles et de la taxe des portes. Elle ne se refuse pas à examiner ce qu'il convient de faire pour que le Sultan ne soit pas privé des forces qui lui sont nécessaires en cas de rébellion, ni à prendre des mesures pour assurer la loyauté des transactions sur les marchés; et elle pense prouver ainsi qu'elle n'est animée que de sentiments de justice à l'égard du Maroc.

Le Plénipotentiaire d'Italie appuie les observations du Plénipotentiaire de France.

Le Plénipotentiaire du Maroc croit qu'il pourra accepter la plupart des nouvelles propositions présentées par l'Autriche-Hongrie, mais demande à la Conférence de s'ajourner pour lui permettre d'en prendre une connaissance plus détaillée.

Il doit dire, cependant, que ses instructions lui défendent formellement d'accepter

que les censeaux puissent être pris dans les campagnes. Le Sultan est prêt à donner toutes les garanties que l'on voudra, s'ils sont choisis parmi les habitants des villes : ce qui ne lui est pas possible c'est de s'exposer, le jour où il aura à lever des kabyles, à se trouver avec des censeaux et non des soldats.

Les autres Plénipotentiaires se réservant pour la discussion des différents Articles, la discussion générale est close.

Sur la prise en considération de l'Article No. 1, que le Plénipotentiaire du Maroc déclare accepter, cet Article est adopté par la Conférence avec la rédaction suivante :—

"1. La protection des agents commerciaux indigènes ou censeaux ne s'étendra que sur leurs femmes et enfants mineurs demeurant avec eux sous le même toit ; elle s'exercera de la manière déterminée par les Articles suivants. Leur nombre sera celui prévu par le Règlement de 1863, c'est-à-dire, il sera limité à deux par chaque maison de commerce et chaque comptoir."

L'Article 2 devant être nécessairement réservé en présence de la déclaration faite par le Plénipotentiaire du Maroc, la Conférence s'ajourne, suivant le désir exprimé par Sid Mohammed Vargas, au Vendredi, 11 Juin.

La séance est levée à 2 heures et quart.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Annexe au Protocole No. 7.

Nouvelles Propositions présentées par M. le Plénipotentiaire d'Autriche-Hongrie et Conçues dans le but d'opérer un rapprochement avec le Projet de M. le Plénipotentiaire d'Italie.

La protection des agents ou censeaux, qui ne s'étendra que sur leurs femmes et enfants mineurs demeurant avec eux sous le même toit, s'exercera de la manière déterminée par les Articles suivants. Leur nombre sera celui prévu par le Règlement de 1863, c'est-à-dire, il sera limité à deux par chaque maison de commerce et chaque comptoir entretenu par elle.

2. Les agents ou censeaux seront choisis de préférence dans les villes et les ports, mais ils pourront être choisis aussi dans les campagnes, excepté les districts militaires et où la population est soumise comme réserve au service militaire. (Dans le cas où l'agent aurait d'après la loi à concourir au maintien de l'ordre dans son district pendant qu'il se trouverait empêché par les affaires du négociant de remplir lui-même ce devoir, il devra indiquer un substitut apte à le remplacer.)

3. La protection ne dispensera pas l'agent du paiement des impôts, ni de l'acquittement des charges qui pèsent sur ses biens immeubles, mais on aura soin d'en déterminer la quotité par un accord entre le Gouvernement Marocain et les Chefs de Mission.

4. Les agents et censeaux auront à se conformer comme tout autre acheteur aux règlements et usages établis pour les marchés ; et ils ne pourront se délier d'une vente déjà formellement conclue que par les voies judiciaires.

5. Aucun agent ne pourra être arrêté pendant l'exercice de ses fonctions qu'en cas de flagrant délit. On entend par le terme "exercice de ses fonctions" le temps compris entre le moment où il se rend au marché de l'intérieur pour y faire ses opérations d'achat jusqu'à son retour à la ville où le négociant qu'il sert est domicilié. Si une autorité Marocaine faisait arrêter un agent ou censal pendant l'exercice de ses fonctions, sauf le cas de flagrant délit, elle sera châtiée et sera tenue responsable du dommage causé par cette arrestation au négociant ou l'emploie.

6. Chaque fois qu'un agent ou censal est arrêté ou mis en cause, pendant ou en dehors de l'exercice de ses fonctions, pour crime ou délit, il ne pourra être jugé que dans un endroit où se trouve un Consul de l'Etat dont il est le protégé. L'agent accusé sera remis entre les mains du Consul et sera détenu au Consulat jusqu'à ce que le Jugement aura été rendu. Le Consul fera comparaître l'agent devant le Tribunal local qui aura à le juger, chaque fois qu'il en sera requis par ce Tribunal, et pourra assister à la procédure. Si l'agent est convaincu du crime ou délit dont il est accusé, on lui retirera la protection et on le livrera aux autorités Marocaines pour lui faire subir sa peine.

7. Dans le cas de l'arrestation d'un agent ou censal, on rédigera ou fera rédiger en sa présence l'inventaire des marchandises et de l'argent qu'il possède, soit pour son compte du négociant qu'il sert [sic]. Cet inventaire sera signé par deux notaires, par l'autorité supérieure de l'endroit où l'arrestation se fait, ainsi que par deux témoins connus par leur honorabilité, et finalement par l'agent lui-même. Une copie de cet inventaire lui sera immédiatement remise, une autre copie sera envoyée au Ministre des Affaires Étrangères à Tanger pour être consignée au Chef de la Mission dont relève l'agent, et le Gouvernement de Sa Majesté le Sultan sera responsable des valeurs et des marchandises inventoriées.

8. Quant aux causes civiles intentées contre un agent, celles qui ont trait aux intérêts du négociant qu'il représente seront déférées au Consulat dont dépend le négociant ; celles qui sont propres à l'agent seront jugées par les Tribunaux locaux, après qu'avis aura été donné au Consul le plus proche de la nation dont dépend le négociant qui emploie l'agent, afin que ce Consul puisse assister, soit en personne soit par un Délégué, au jugement de la cause. Le Consul pourra de même faire surveiller l'exécution de la sentence.

9. Toute cause, tant criminelle que civile, intentée contre un agent protégé est susceptible d'un appel au Ministre des Affaires Étrangères à Tanger, et toute accusation injuste portée contre un agent en rendra responsable l'auteur quelqu'il soit, et, en dehors de la punition qui lui sera infligée, il aura aussi à rembourser tous frais et dommages causés à l'agent ou au négociant qu'il représente.

La qualité d'agent ou censal sera constatée par un document, accompagné d'une traduction Arabe, délivré par la Légation dont dépend le négociant. Avis en sera donné au Ministre des Affaires Étrangères, afin que celui-ci puisse, à son tour, informer l'autorité de l'endroit où demeure l'agent.

No. 169.

Mr. West to Earl Granville.—(Received June 23.)

(No. 156.)

My Lord,

Madrid, June 20, 1880.

I HAVE the honour to inform your Lordship that the ninth sitting of the Conference on the affairs of Morocco was held yesterday. After the incident which terminated the previous meeting of the Plenipotentiaries, Cid Mahomed Bargash, as he subsequently informed me, conferred privately with the French Plenipotentiary, and a compromise was effected which consisted in the acceptance on his part of the Règlement of 1863 as regards the censeaux, while the French Plenipotentiary agreed not to oppose the demand of the Moorish Government that the agents of foreign merchants should be taxed as other subjects of the Sultan, and that the discussion of the remaining points should be proceeded with. The Conference therefore considered the question of taxation, which was finally settled in the sense of the propositions accepted at Tangier, and then adjourned till Monday next.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 170.

Earl Granville to Mr. West.

(No. 106.)

Sir,

Foreign Office, June 23, 1880.

WITH reference to my despatch No. 100 of the 13th instant, I inclose copies of correspondence, as marked in the margin,* with the Swedish Minister at this Court,

* Nos. 153 and 160.

upon the subject of the proposals of the Italian Government in regard to foreign protection in Morocco; and I have to request that you will furnish me as soon as possible with any observations you may have to make on the language of General Menabrea, as recorded in my despatch No. 277 to Sir A. Paget of the 8th instant, copy of which was inclosed in my above-mentioned despatch.

I am, &c.
(Signed) GRANVILLE.

No. 171.

Mr. Erskine to Earl Granville.—(Received June 25.)

(No. 52.)

My Lord,

Stockholm, June 21, 1880.

WITH reference to your Lordship's despatch No. 26 of the 12th instant, on the subject of the Conference in Madrid on irregular protection in Morocco, I have the honour to state that on my mentioning to Baron Hochschild that I had recently heard from your Lordship what had passed at the latest meetings of the Conference, his Excellency took the opportunity of informing me that he also had been requested by the Austrian Government to support the proposal (which appeared to him very desirable) made by the Pope to further religious toleration in Morocco.

With respect, he added, to the main point at issue, viz., that relating to the protection to be henceforth accorded by foreign Governments to natives of Morocco, his Excellency assured me, most pointedly, that Her Majesty's Government might continue, as a rule, to reckon upon the concurrence of the Swedish and Norwegian Representative; but he trusted that if the Conference were to be resumed, means would be found to recognize the rights of foreign Governments to grant protection to a limited extent to natives of Morocco in the employment of such foreign Governments.

I have, &c.
(Signed) E. M. ERSKINE.

No. 172.

Mr. West to Earl Granville.—(Received June 25.)

(No. 158.)

My Lord,

Madrid, June 22, 1880.

I HAVE the honour to inform your Lordship that the tenth meeting of the Conference on the affairs of Morocco took place yesterday. The question of the liability to taxation of the agents of foreign merchants was finally settled, and the rights of naturalized subjects in the Sultan's dominions was then discussed, and the demand of the Moorish Government that Moorish subjects naturalized in foreign countries should, upon return to their native country, be subject to its laws and to the jurisdiction of the Sultan, was taken into consideration. The Turkish law of the 19th January, 1869, was cited in favour of the rights of the Sultan of Morocco over his own subjects, and after a long desultory conversation, the following proposition was drawn up and agreed upon for submission to the Moorish Plenipotentiary:—

"Tout sujet Marocain naturalisé à l'étranger qui reviendra au Maroc devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc."

The Conference then adjourned till to-morrow.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 173.

Lord Lyons to Earl Granville.—(Received June 26.)

(No. 521.)

My Lord,

Paris, June 23, 1880.

THIS afternoon, in pursuance of your Lordship's instructions, I asked M. de Freycinet whether there was any foundation for a report, which appeared to have been spread at Tangier, that the French squadron was going there to make a demonstration connected with the questions before the Conference at Madrid.

M. de Freycinet answered that there was not the slightest foundation for the report in question, and that no French squadron was going to Tangier.

I have had the honour to transmit the substance of this despatch to your Lordship by telegraph.

I have, &c.
(Signed) LYONS.

No. 174.

Mr. West to Earl Granville.—(Received June 28.)

(No. 159.)

My Lord,

Madrid, June 25, 1880.

I HAVE the honour to transmit to your Lordship herewith printed copies of Protocols No. 8 and No. 9 of the sittings of the Conference on the affairs of Morocco of the 12th and 19th instant.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 174.

Protocole No. 8.—Séance du 12 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,	
" d'Autriche-Hongrie,	
" de Belgique,	
" d'Espagne,	
" des États-Unis d'Amérique,	
" de France,	
" de la Grande Bretagne et Danemark,	
" d'Italie,	
" du Maroc,	
" des Pays-Bas,	
" du Portugal, et	
" de la Suède et Norvège.	

LA séance, remise d'un jour, est ouverte à midi et demi.

Le procès-verbal de la séance antérieure est lu et approuvé.

Sur la lecture de ce procès-verbal, M. le Plénipotentiaire de France observe que la rédaction de l'Article 1^{er} des propositions Autrichiennes, qui a été adopté par la Conférence, ne mentionne que la femme et les enfants mineurs des censeux. Il croit qu'il serait préférable d'adopter, toutes les fois qu'il sera question des familles des protégés, une même rédaction, c'est-à-dire celle qui a été arrêtée lors de la discussion du No. 7 des propositions Marocaines de Tanger, et qui établit que la famille se compose de la femme, des enfants, et des parents mineurs qui habitent sous le même toit.

Le Plénipotentiaire d'Autriche-Hongrie croit que la distinction établie entre les familles des censeux et celles des autres protégés découle naturellement du principe qu'il défend, que la protection n'a pas besoin d'être la même pour les deux catégories de protégés. Il observe qu'il y aurait lieu de réserver ce point particulier, et de le faire dépendre de la décision qui sera prise sur la question de principe.

Le Plénipotentiaire d'Italie désirerait également amender la rédaction de cet Article en y rétablissant la mention des biens immeubles des censeux protégés, contenue dans l'Article correspondant des propositions Italiennes.

Le Plénipotentiaire d'Autriche-Hongrie, défendant la rédaction adoptée dans la dernière séance, fait remarquer qu'une stipulation qui mettrait ces biens directement sous la protection d'un Gouvernement étranger aurait presque le caractère d'une prise de possession. La protection reconnue au censal s'étendra naturellement, par ses effets, à ses biens immeubles comme aux autres.

Le Président observant que l'Article 1^{er} avait paru adopté par la Conférence, et que les amendements présentés semblent porter non-seulement sur la rédaction, mais aussi sur le sens de l'Article, propose, et la Conférence accepte, de réserver l'examen de ces amendements.

La parole est à M. le Plénipotentiaire du Maroc sur l'ensemble des différentes propositions ayant pour but de régler la situation des censeux.

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Sid Mohammed Vargas remercie tout d'abord la Conférence d'avoir eu la bonté d'accéder à sa demande en ajournant à aujourd'hui sa réunion. Il a eu besoin de relire la traduction du dernier Protocole et des Protocoles antérieurs; car ayant retiré ses demandes Nos. 14, 15 et 16, et s'étant limité à exposer à la Conférence les maux de son pays, il a dû naturellement en attendre d'elle le remède; et des propositions ayant été présentées tendant à ce but, il a dû également les lire et réfléchir à tout ce qui s'est passé dans les dernières séances, afin de pouvoir former et exprimer son opinion. Il va avoir l'honneur de soumettre à la Conférence les observations que lui a suggérées la lecture de ces Protocoles.

Dans la séance du 6 Juin, lors de la mise en discussion des propositions Britanniques, M. le Plénipotentiaire de France a voulu démontrer que le Maroc, au lieu d'atténuer ses demandes afin de faciliter l'accord, n'a fait que les accroître de jour en jour.

A l'appui de cette assertion, le Plénipotentiaire de France a dit que "dans ses premières demandes le Maroc réclamait simplement, sous les Nos. 14, 15, et 16, le paiement de taxes par les censeux, et le droit d'arrêter ces agents en cas de flagrant délit de meurtre ou de violation de domicile." Or, Sid Mohammed Vargas constate que sous le No. 14 il a demandé plus que cela: il a demandé que les censeux ne fussent pas protégés. Pour s'en convaincre, il suffit de lire les demandes présentées à Tanger sous les Nos. 13, 14, 15, et 16.

Toujours dans le but de démontrer que le Maroc a constamment accru ses demandes, le Plénipotentiaire de France ajoutait que Sid Mohammed Vargas a demandé à Madrid l'interdiction de prendre des agents dans l'intérieur. Sid Mohammed Vargas fera observer de même, qu'il avait déjà fait cette demande à Tanger, le 19 Juillet, 1879. (Voir le procès-verbal de cette séance, Annexe No. 2 au Protocole No. 1 des Conférences de Madrid.)

Enfin, le Plénipotentiaire de France a dit: "Nous avons, par la Convention de 1863, consenti à réduire à deux par maison de commerce et par comptoir le nombre de nos agents commerciaux;" et immédiatement après il a ajouté: "J'ai déjà dit par cette concession nous étions allés au delà de ce que nous permettaient les intérêts de notre commerce." Voici, d'ailleurs, en quels termes son Excellence avait déjà fait cette observation: "Aucun Traité n'avait limité, pour la France, le nombre de ses protégés; en le fixant en 1863 à deux censeux par comptoir on a déjà peut-être été au delà, comme concession, de ce qu'exigent les intérêts des négociants Français." (Voir Protocole No. 5, séance de 1^{re} Juin, 1880.) Or, Sid Mohammed Vargas ne peut que répéter ce qu'il a dit à Tanger le 19 Juillet, 1879, à savoir, que "le Traité Français de 1767 n'avait soustrait personne à la juridiction des autorités locales; et que d'après ce Traité non-seulement les indigènes au service des Représentants, mais même les sujets Français résidant au Maroc étaient soumis à la juridiction locale."

Avant d'aborder la question qui est en discussion, Sid Mohammed Vargas observe encore qu'il est évident, et qu'il a été déjà reconnu, que l'objet des délibérations de la Conférence est la modification du régime actuel, en ce qui, étant exigé par les circonstances et dicté par l'expérience, serait en même temps compatible avec les intérêts généraux.

Or, qu'est-il arrivé? Le Gouvernement du Maroc a répété aux Puissances représentées à la Conférence que la protection accordée aux agents censeux, telle qu'on la comprend et pratique, est une cause principale des maux dont il demande le remède. Qu'on accorde la protection d'une manière énergique, absolue, aux marchandises et aux intérêts légitimes du commerce étranger, mais qu'on ne l'étende pas à la personne des indigènes servant d'agents ou censeux. Et si l'on veut quand même la leur accorder, que ces individus soient pris au moins parmi les habitants des ports et des villes de l'intérieur, mais jamais dans les campagnes, et cela pour les raisons que Sid Mohammed Vargas a exposées à Tanger dans la séance précitée du 19 Juillet, 1879.

Le Plénipotentiaire du Maroc lit, à l'appui de ce qui précède, plusieurs extraits du procès-verbal de cette séance. (Annexe No. 2 au Protocole No. 1.)

Les raisons qui ont été données à cette époque expliquent pourquoi le Gouvernement Marocain désire que les censeux ne soient pris que dans les villes et les ports. Sid Mohammed Vargas tient à bien expliquer que cette prétention est fondée sur la qualité et la condition des censeux qui sont pris dans les campagnes. Un cas, cité par M. le Plénipotentiaire de France dans la séance du 6 Juin, et dont Sid Mohammed Vargas n'a eu jusqu'à présent aucune connaissance, sans qu'il prétende pour cela nier le fait, fera précisément comprendre ces raisons.

"Un censal Français," a dit son Excellence, "riche agriculteur Arabe, con-

tribua efficacement, en se joignant, avec tout son monde, aux soldats du Sultan, à faire rentrer dans l'ordre les tribus turbulentes d'Alcazar." Malheureusement la conduite exceptionnelle de cet individu n'est pas toujours imitée, tant s'en faut, par les censeux. A supposer qu'il n'y ait au Maroc que 200 négociants étrangers ayant droit à des censeux (Sid Mohammed Vargas ne peut pas en préciser le nombre exact en ce moment), il faut compter 400 censeux, tous gens riches, influents, disposant des chevaux et des frères ou individus de leurs kabyles. Or, n'est-il pas naturel que le Sultan répugne à se voir enlever, par la protection étrangère, de telles personnes, qui, Sid Mohammed Vargas le répète et l'affirme de nouveau, observent constamment une conduite toute opposée à celle du censal Français qui vient d'être mentionné?

On a répondu à la demande du Gouvernement Marocain par trois propositions. Une de la Grande Bretagne, qui a été retirée par son Plénipotentiaire en présence des déclarations faites par M. l'Amiral Jaurès. Sid Mohammed Vargas a déjà dit son opinion sur cette proposition.

La seconde est celle de l'Autriche-Hongrie, sur laquelle le Plénipotentiaire du Maroc se propose de revenir.

La troisième, enfin, est celle de M. le Comte Greppi.

Dans cette dernière, M. le Plénipotentiaire d'Italie propose que les agents soient non-seulement protégés à l'instar des protégés de la première catégorie, mais aussi "qu'ils ne puissent être arrêtés que dans un seul cas: celui de surprise en flagrant délit de meurtre."

Le Plénipotentiaire du Maroc demande quelles seraient les conséquences pour son pays, si cette proposition venait à être adoptée. M. le Plénipotentiaire d'Autriche-Hongrie les a déjà exposées, non-seulement avec grande éloquence, mais surtout avec grande vérité. Sid Mohammed Vargas l'en remercie, ainsi que les Plénipotentiaires des autres Puissances qui lui ont montré leur assentiment. Il doit seulement ajouter que M. le Comte Ludolf lui-même n'a envisagé ces conséquences que sous le point de vue Européen, comme s'il s'agissait d'agents Européens et non d'Arabes, de kabyles. Ces gens sont cause des maux que le Maroc endure, et se croient déjà tout-puissants et supérieurs, en leur qualité d'agents d'Européens, aux autorités de leur pays: de quoi ne seraient-ils pas cause et que ne se croiraient-ils pas, si au régime actuel, que cette proposition tend à aggraver encore, si au silence gardé jusqu'ici sur leurs prérogatives, on venait à ajouter, pour l'avenir, par une stipulation écrite et solennelle, l'interdiction aux autorités de les arrêter, sauf dans le seul cas, non de meurtre, mais de surprise en flagrant délit de meurtre! C'est là une immunité que le Maroc ne reconnaît qu'à Sa Majesté le Sultan et aux Représentants des Puissances qui lui font l'honneur d'entretenir des relations diplomatiques et commerciales avec son Empire.

Pour répondre, enfin, à certains doutes que M. le Plénipotentiaire de France a exprimés dans la dernière séance, Sid Mohammed Vargas déclare que les abus dénoncés par le Maroc ne sont nullement exagérés; on est loin, au contraire, d'avoir tout dit. Quant à n'avoir cité qu'un seul fait de mauvaise foi dans une transaction commerciale par un agent un censal, Sid Mohammed Vargas avait cru que cet exemple suffirait pour donner une idée des procédés de ces individus; mais, si on veut des preuves écrites et des exemples, il s'empressera de demander les déclarations des victimes; elles ne sont que trop nombreuses.

Revenant ensuite à la proposition de l'Autriche-Hongrie, actuellement soumise à la délibération de la Conférence, Sid Mohammed dit qu'il adhère au premier paragraphe de l'Article II, quant à l'esprit de son contenu. L'exception faite pour les habitants des districts militaires et des lieux où la population est soumise comme réserve au service militaire, mérite, en effet, son entière approbation.

Tel étant l'esprit de la proposition de M. le Comte Ludolf, parfaitement d'accord sur ce point—Sid Mohammed Vargas est heureux de le reconnaître—avec l'esprit du dernier paragraphe de l'Article 1^{er} des propositions Italiennes, le paragraphe dont il s'agit devrait néanmoins être modifié dans la rédaction, afin de faire disparaître une contradiction dont les Plénipotentiaires se rendront compte dès qu'ils sauront que le mot "campagne" est synonyme, en parlant du Maroc, de "district militaire" et de "population soumise, comme réserve, au service militaire."

Le Plénipotentiaire du Maroc propose la rédaction suivante, complètement conforme à l'esprit des propositions présentées: "Les agents ou censeux seront choisis dans les villes de la côte et de l'intérieur, et non parmi les habitants des campagnes, où la population est soumise, comme réserve, au service militaire."

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Quant au dernier paragraphe de l'Article, s'il n'est pas réservé, Sid Mohammed Vargas l'accepte pour ce qui concerne ceux des habitants des ports et des villes de l'intérieur que le sort appellerait au service des armes dans l'armée régulière.

Mais si ce paragraphe devait s'appliquer aux habitants des campagnes, le Plénipotentiaire du Maroc aurait le devoir de faire remarquer qu'il modifie essentiellement et contredit même l'exception établie par le paragraphe précédent.

Il observe, en même temps, que la substitution dont il s'agit ne serait pas possible dans les cas que l'on envisage, parce qu'il ne s'agirait pas, comme en Europe en pareil cas, d'un homme quelconque à remplacer par un autre, mais d'une personne influente dans le pays, qui par son exemple entraînerait ses domestiques, ses chevaux et un grand nombre de ses frères ou individus de la même kabyle.

Telles sont les considérations que le Plénipotentiaire du Maroc déclare laisser avec une confiance entière à l'impartiale appréciation de la Conférence.

M. le Président demande si MM. les Plénipotentiaires ont des observations à présenter.

Le Plénipotentiaire de France ne répondra pas immédiatement à l'exposé que vient de lire le Représentant du Maroc, mais il doit relever de prime abord une inexactitude. L'interdiction de prendre des censeaux dans l'intérieur du pays ne figure pas dans les dix-neuf demandes que le Ministre des Affaires Etrangères du Sultan a présentées à Tanger. Sid Mohammed Vargas n'a fait qu'accepter dans la réunion extraordinaire qui a été tenue chez lui le 19 Juillet, 1879, cette interdiction, proposée à la Conférence par Sir John Drummond Hay. C'est ce qu'a voulu faire ressortir M. le Plénipotentiaire de France, en disant que les demandes primitives du Maroc avaient été aggravées par cette disposition, que Sid Mohammed Vargas n'avait pas présentée, qu'il avait simplement admise à Tanger et qu'il a fait sienne à Madrid.

M. le Président, donnant acte au Plénipotentiaire de France de cette rectification, constate qu'il semble résulter des déclarations du Plénipotentiaire du Maroc, qui a accepté le No. 1 du Projet Autrichien et qui vient de présenter un amendement au No. 2, que le Maroc est prêt à discuter sur le terrain des propositions Autrichiennes.

Le Plénipotentiaire du Maroc accepte, en effet, cette discussion. Il lit de nouveau la rédaction qu'il propose pour l'Article 2.

Le Président observe que cette rédaction constitue une véritable contre-proposition au nouveau Projet Autrichien, qui a été rédigé, sur ce point, en conformité avec les propositions Italiennes.

M. le Plénipotentiaire d'Autriche-Hongrie dit que la forme que le Plénipotentiaire du Maroc propose de donner à l'Article 2 en altère essentiellement le sens. Dans la pensée du Comte Ludolf, sa proposition constituait un terme de conciliation. S'il est vrai qu'il impose au Maroc un sacrifice très-réel, il est impossible, d'autre part, de méconnaître la valeur des arguments par lesquels on justifie le choix des censeaux parmi les habitants de la campagne. Il croit que le Maroc pourrait reconnaître explicitement le droit en question, en vue de concessions qui lui seraient faites sur d'autres points.

M. le Plénipotentiaire du Maroc rappelle l'observation qu'il a faite, que la rédaction du Projet Autrichien implique une contradiction. En parlant du Maroc "les campagnes" se confondent avec "les districts militaires et ceux où la population est soumise, comme réserve, au service militaire." L'exception faite comprend, par conséquent, tout ce que demande le Maroc.

M. le Président observe que les propositions Autrichiennes et Italiennes paraissant supposer l'existence au Maroc de districts de la campagne où la population ne serait pas soumise au service militaire, il devient nécessaire d'adopter une rédaction différente qui soit conforme à l'état réel des choses.

M. le Plénipotentiaire d'Autriche-Hongrie répond qu'il avait prévu que l'exception, copiée sur la Proposition Italienne, pourrait faire des difficultés, en vue desquelles il avait expressément réservé, dans la parenthèse, l'Article correspondant de son premier projet. Il propose de supprimer le membre de phrase qui établit l'exception.

M. le Plénipotentiaire de France accepte la rédaction ainsi amendée par M. le Comte Ludolf. Le principe qu'on peut prendre des censeaux dans l'intérieur une fois admis, on pourra examiner quelles dispositions il conviendrait de prendre pour maintenir l'ordre et son autorité souveraine au Maroc.

Le Président demande à M. le Plénipotentiaire du Maroc s'il est disposé à accepter l'Article 2 du Projet Autrichien, rédigé comme il vient d'être dit.

Sid Mohammed Vargas répond négativement. Il ne peut pas accepter que la protection s'étende à des censeaux choisis dans les campagnes.

Le Président constate que le Maroc, qui refusait naguère et absolument la protection aux censeaux, semble maintenant accepter, par le fait, cette protection, qui serait même complète pour les censeaux pris parmi les habitants des villes ou des ports. Le refus de son Représentant paraît seulement absolu en ce qui concerne le choix de ces Agents dans les campagnes.

Le Plénipotentiaire de Belgique remarque que ce refus, opposé aux déclarations des Plénipotentiaires Français et Italien, est une barrière à tout arrangement.

Le Plénipotentiaire du Maroc prend alors la parole, et rappelle que M. le Plénipotentiaire de France a dit, le 1^{er} Juin, qu'il n'entendait discuter que sur la base du fait existant, c'est-à-dire la situation établie par le Règlement de 1863, qui ne mentionne que des censeaux protégés. Puis, dans la séance du 6 de ce mois, qui avait été ajournée pour que l'Amiral Jaurès pût consulter son Gouvernement, son Excellence a déclaré que son Gouvernement repousse d'avance toute demande de concessions sur ces trois points: le nombre des censeaux; "la limitation du choix de ces agents;" et la suppression pour les censeaux de la juridiction Consulaire.

En vue de ces déclarations catégoriques et solennelles, Sid Mohammed Vargas a le regret de conclure que tous ces efforts, joints à ceux des autres Plénipotentiaires, n'aboutiront à rien qui puisse porter remède aux maux de la situation que crée le Règlement de 1863; une exception admise en faveur de la France serait naturellement et très-justement réclamée par les autres Puissances.

Dans ces conditions et n'ayant pu, par conséquent, parvenir en ce moment au but qu'il s'était proposé: ne pouvant, d'autre part, renoncer à l'attendre, parce que la protection dont jouissent les agents indigènes des campagnes porte préjudice à la liberté des transactions commerciales dans l'intérieur du Maroc, entrave l'action des autorités, et entraîne des désordres dans les marchés publics, Sid Mohammed Vargas déclare réserver à son Souverain le droit d'obtenir le résultat nécessaire par la voie diplomatique.

Cette déclaration faite, il se bornera à prier les Plénipotentiaires de vouloir bien établir que les prescriptions du Règlement de 1863 seront, en attendant, ponctuellement et scrupuleusement observées, en tout et pour tout; car il y a eu des abus, il y en a encore beaucoup, et il faut qu'ils disparaissent tous.

Sid Mohammed Vargas termine en priant également la Conférence de bien vouloir poursuivre la discussion sur ses autres demandes, à partir de la 17^e.

Le Président, en vue de la gravité de la déclaration qui vient d'être faite par le Représentant du Maroc, et qui marque une phase entièrement nouvelle aux délibérations des Plénipotentiaires, propose à la Conférence de s'ajourner.

Le Plénipotentiaire de France fait observer qu'il ne s'agit pas seulement de ses déclarations; mais que c'est l'Article 2 des propositions de l'Autriche-Hongrie que vient de repousser le Maroc. Il tient à constater que les Plénipotentiaires d'Autriche-Hongrie et d'Italie demandent comme lui le maintien du droit de prendre des censeaux dans l'intérieur.

Le Président observe que d'autres Plénipotentiaires n'ont pas encore fait connaître leur appréciation sur ces propositions.

La Conférence s'ajourne à la convocation ultérieure de la Présidence.

La séance est levée à 2 heures et quart.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 " d'Autriche-Hongrie,
 " de Belgique,
 " d'Espagne,
 " des États-Unis d'Amérique,
 " de France,
 " de la Grande Bretagne et Danemark,
 " d'Italie,
 " du Maroc,
 " des Pays-Bas,
 " du Portugal,
 " de la Suède et Norvège.

LA séance est ouverte à midi et demi.

Le procès-verbal de la dernière séance est lu et approuvé.

Le Président rappelle qu'en proposant l'ajournement de la Conférence, lors de la séance du 12 Juin, son but a été de laisser aux Plénipotentiaires le temps nécessaire à un échange d'idées au sujet des importantes déclarations faites par le Représentant du Maroc; il demande à Sid Mohammed Vargas s'il entend les maintenir.

Le Plénipotentiaire du Maroc déclare maintenir en effet, dans leur intégrité, les déclarations qu'il a faites précédemment. Il propose de substituer aux Nos. 14, 15, et 16 des demandes qu'il a présentées à Tanger l'Article suivant: "Il n'est rien changé à la situation des censaux telle qu'elle a été établie par les Traités et par la Convention de 1863, sauf ce qui sera stipulé, relativement aux impôts, dans les Articles suivants." Il demandera à la Conférence de continuer ensuite l'examen des autres propositions soumises par lui aux Représentants à Tanger.

En vue de cette déclaration du Plénipotentiaire du Maroc, le Plénipotentiaire d'Autriche-Hongrie retire ses propositions, dont l'Article 1^{er}, déjà adopté par la Conférence, se trouve par suite annulé.

Le Plénipotentiaire d'Italie retire également les propositions qu'il a présentées.

La Conférence adopte, sous le No. 14, l'Article proposé par Sid Mohammed Vargas.

Le Plénipotentiaire du Maroc prie la Conférence de vouloir bien adhérer aussi à l'autre demande qu'il a faite dans la dernière séance, tendant à ce qu'il soit établi que tous les abus existants, contraire au texte des Traités et Règlements, prendront fin. Il suffira que l'acceptation de cette demande par les Plénipotentiaires soit constatée par le procès-verbal de la séance.

Le Plénipotentiaire de France fait observer que la Conférence pourrait difficilement faire une déclaration de cette nature et qu'il appartient au Gouvernement Marocain de dénoncer, par la voie diplomatique, aux Représentants étrangers à Tanger, les abus existants ou qui viendraient à se produire.

La Conférence, ratifiant l'observation de M. le Plénipotentiaire de France, passe à la discussion du No. 17 des propositions Marocaines, qui a trait au paiement des impôts par les protégés.

M. l'Amiral Jaurès rappelle que le Gouvernement Français s'est déclaré prêt à consentir, en principe, au paiement par les censaux et autres protégés de la taxe agricole; mais qu'il a demandé en retour que le droit de propriété pour les étrangers au Maroc soit reconnu, et que l'exercice de ce droit devienne l'objet d'un Règlement spécial, entre le Gouvernement Marocain et les Représentants des Puissances à Tanger.

Il propose en conséquence de remplacer le No. 17, qui se trouve en discussion, par deux Articles, qui prendront les Nos. 15 et 16.

Le premier, relatif au droit de propriété, serait ainsi conçu :

"Le droit de propriété des étrangers au Maroc est reconnu. L'exercice de ce droit et la procédure à suivre en cas de contestation seront l'objet d'un Règlement spécial qui sera établi d'un commun accord par les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne à Tanger."

Le Plénipotentiaire du Maroc est prêt à accepter la première partie de l'Article, qui ne fait que constater un droit déjà reconnu par les Traités; mais, pour ce qui

concerne la seconde, il doit faire observer que l'exercice de ce droit n'a jamais donné lieu à des difficultés ni à des abus, et que les questions de procédure relatives aux immeubles ont toujours été régies par la loi du pays, le Chré, qui est tiré du Koran. Si le Règlement demandé devait n'être que la reproduction de cette loi, il serait superflu; d'autre part, s'il devait s'en écarter, le Gouvernement Marocain serait dans l'impossibilité absolue de l'accepter.

Répondant à une demande du Président, Sid Mohammed Vargas ajoute que le droit de propriété, inscrit déjà dans les Traités Anglais et Espagnol, est reconnu par le Maroc à tous les étrangers; mais les biens immeubles sont et devront être soumis aux lois nationales; il ne peut pas accepter qu'il soit fait de Règlement spécial à leur égard.

Le Plénipotentiaire de France propose de modifier ainsi que suit la rédaction de son Article :

"Le droit de propriété des étrangers au Maroc est reconnu. L'exercice de ce droit sera l'objet d'une entente entre le Ministre des Affaires Etrangères à Tanger et les Représentants des Puissances."

Le Plénipotentiaire du Portugal pense qu'il serait préférable de définir dès à présent cette entente.

Le Président propose de préciser sa portée, en reproduisant exactement la rédaction qui a été consentie dans la Conférence de Tanger.

Tous les Plénipotentiaires se ralliant à cette proposition, le Plénipotentiaire de France n'insiste plus, et l'Article 15, définitivement rédigé ainsi que suit, est adopté par la Conférence :

"Le droit de propriété au Maroc est reconnu pour tous les étrangers.

"Les Plénipotentiaires admettent que l'achat de propriétés doit être effectué avec le consentement préalable du Gouvernement, et que les titres de ces propriétés soient faits dans les formes prescrites par les lois du pays, et que toute question qui pourrait surgir sur ces droits soit décidée d'après les lois du pays avec l'appel stipulé dans les Traités, c'est-à-dire, au Ministre des Affaires Etrangères."

Sur la prise en considération du No. 16, qui stipule le paiement par les censaux et autres protégés de la taxe agricole, tout en réservant à l'examen spécial des Représentants étrangers à Tanger la quotité et la nature de cet impôt, une discussion s'engage sur l'opportunité qu'il y aurait à établir d'ores et déjà que cette taxe sera basée sur le principe de l'égalité, devant l'impôt, des étrangers et des indigènes, protégés ou non protégés.

Les Plénipotentiaires d'Autriche-Hongrie, de Belgique, d'Espagne, des États-Unis, de la Grande Bretagne, des Pays-Bas, du Portugal, et de la Suède et Norvège, pensent que la Conférence pourrait établir dès à présent ce principe d'égalité, en laissant au Représentants des Puissances à Tanger le soin de régler les détails d'application. Mr. le Général Fairchild demande en outre que le paiement de cet impôt soit effectué par les étrangers ou protégés sous la surveillance des Représentants Diplomatiques et Consulaires dont ils relèvent.

Les Plénipotentiaires d'Allemagne, de France, et d'Italie, sans repousser ce principe, estiment que son application doit être plus naturellement réservée à la sanction des Représentants à Tanger.

Le Plénipotentiaire du Maroc déclare que l'impôt agricole est invariable, le Chré, loi imprescriptible du pays, en déterminant, de droit, la quotité.

Le Plénipotentiaire du Portugal fait observer que le terme "impôt agricole" comprend les deux impôts, sur les récoltes et sur les troupeaux.

La Conférence l'entend ainsi.

Le No. 16, rédigé, comme le précédent, en conformité avec les observations faites par les Représentants au sein de la Conférence de Tanger, est amendé, d'un commun accord, en ce qui concerne la pénalité attachée à une fausse déclaration, et la Conférence l'adopte en ces termes :

"Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

"Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

"La nature, le mode, la date, et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne."

La Conférence adopte à la suite, sous le No. 17, l'Article suivant, que es Représentants réunis à Tanger se sont déclarés prêts à accepter:

"Les étrangers, les protégés, et les censaux propriétaires de bêtes de somme paieront la taxe dite *des portes*. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne.

"La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances."

La Conférence accueillant ensuite la demande contenu dans le No. 18 des propositions Marocaines, adopte, sous le même numéro, l'Article suivant:

"La médiation des interprètes, secrétaires indigènes ou soldats des différentes Légations ou Consuls, lorsqu'il s'agira de personnes non placées sous la protection de la Légation ou du Consulat, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire."

M. le Plénipotentiaire des Etats-Unis demande à présenter à la Conférence des propositions réglant la situation des protégés qui cesseraient de l'être par suite de la révision des listes de protection.

La Conférence prend acte de ces propositions, qui sont réservées à délibération ultérieure, et s'ajourne au Lundi, 21 Juin.

Le séance est levée à 3 heures et demie.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

No. 175.

Mr. West to Earl Granville.—(Received June 28.)

(No. 160.)

My Lord,

Madrid, June 25, 1880.

I HAVE the honour to inform your Lordship that the 11th meeting of the Conference on the affairs of Morocco was held yesterday. The status of naturalized Moorish subjects returning to their country was defined and agreed to by the Moorish Plenipotentiary. A long speech was then read by the Italian Plenipotentiary insisting on the right of indiscriminate protection, but, as the Conference had already manifested its opinion as opposed to it, he found himself under the necessity of taking a course more in accordance with its views, and several propositions having been drawn up on the subject, the President adjourned the Conference till to-morrow.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 176.

Earl Granville to Mr. West.

(No. 109 A.)

Sir,

Foreign Office, June 28, 1880.

I HAVE to inform you that I have received a communication from the Spanish Minister at this Court, stating that he has been instructed by his Government to express the hope that instructions would be sent to you to support them in impressing on the Morocco Conference the desirability of at once giving effect to the resolutions agreed upon, leaving the ratifications of the several Governments to follow.

I replied to the Marquis de Casa Laiglesia that, as some delay was likely to be occasioned by the Italian Representative having taken exception to one of the conclusions agreed upon by the Plenipotentiaries, I considered that it would be more satisfactory that Her Majesty's Government should have the opportunity of seeing the exact text of the resolutions adopted by the Conference before they agreed to their being carried into effect.

I reminded him, at the same time, that no difficulties had hitherto been raised by Her Majesty's Government, and I did not, therefore, anticipate that they would have any objections to offer to the resolutions taking effect as soon as the other Governments concerned were willing that they should do so.

I am, &c.

(Signed) GRANVILLE.

No. 177.

Mr. West to Earl Granville.—(Received June 30.)

(No. 161.)

My Lord,

Madrid, June 26, 1880.

I HAVE the honour to inform your Lordship that the 12th meeting of the Conference was held to-day. A long discussion ensued on the "droit de protection consuetudinaire" upheld by the Italian Plenipotentiary, and it was ultimately decided to restrict this right to exceptional cases where some special service had been rendered by the person demanding it. The Italian Plenipotentiary, however, said that he must refer to his Government for instructions as to the question of limiting the number of such cases, and the Conference then proceeded to discuss some matters of form, and adjourned till to-morrow, when the redaction of the different points agreed upon will be taken into consideration.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 178.

Mr. West to Earl Granville.—(Received June 30.)

(No. 162.)

My Lord,

Madrid, June 27, 1880.

PREVIOUS to the meeting of the Conference yesterday the President, Señor Cánovas del Castillo, asked me whether I was prepared to support the declaration respecting religious liberty, which the Austro-Hungarian Plenipotentiary had, at a private meeting of the Delegates, submitted to their consideration, and his Excellency held nearly the same language on this subject as I had used to the Papal Nuncio, as reported in my despatch No. 153 of the 16th instant. I told Señor Cánovas that Her Majesty's Government entirely concurred in the spirit which had animated the Austro-Hungarian Government in contemplating this course, but that it appeared to them that it would be better to adhere to the conditions on which the Conference was summoned, and which restricted its scope to the question of irregular protection. Her Majesty's Government would be happy, however, to join the other Powers, when the Conference was concluded, in addressing an earnest representation to the Government of Morocco against the persecution of the Jews and other non-Mussulman subjects of the Emperor.

As an agreement had been come to by the Plenipotentiaries on the question of irregular protection, and as the labours of the Conference might be considered at an end, there would, I thought, be no objection in bringing the proposed declaration of the Austro-Hungarian Plenipotentiary to the notice of the other Plenipotentiaries

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before they separated, always supposing it was limited in the sense I had indicated, and did not attack any religious law of the Empire. Señor Cánovas agreed in this opinion, and more especially as he said that such a course would give the Moorish Plenipotentiary the opportunity of making known in answer the contents of a letter which the Sultan had addressed to him on the subject of religious liberty, and which were eminently satisfactory in this respect.

Accordingly, at the termination of the Conference yesterday, the Austro-Hungarian Plenipotentiary read the proposed declaration which it was decided should be appended to the result of the deliberations of the Conference, together with the letter of the Sultan to Cid Mohammed, which was the appropriate answer to it. This course was unanimously approved by all the Plenipotentiaries.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 179.

Mr. West to Earl Granville.—(Received June 30.)

(No. 163.)

My Lord,

Madrid, June 27, 1880.

YOUR Lordship will have learnt from my telegram of yesterday, that the President of the Conference is desirous that the deliberations of the Plenipotentiaries should be embodied in a formal Convention, subject to the ratification of their respective Governments, and that this course should be urged upon them by Her Majesty's Government, who initiated the Conference, as well as by the Spanish Government, who invited them to take part in it. Señor Cánovas said that both France and Italy had made concessions, to which he was anxious they should be bound by a more formal act than a mere declaration or Règlement which might be set aside by mutual consent, and he requested me therefore to communicate with your Lordship on the subject.

I told Señor Cánovas that I concurred in this view, and that as Cid Mahomed was anxious that the arrangements agreed upon by the Plenipotentiaries should have the force of law from the date of the signature of the Act, and in order not to lose time, I thought it would be well if his Excellency ascertained whether the other Plenipotentiaries were in possession of the necessary powers to conclude such an Act, and I added that I would inform your Lordship of what had passed between us.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 180.

Mr. Montefiore and Baron de Worms to Earl Granville.—(Received July 1.)

My Lord,

London, June 30, 1880.

WE beg leave to refer to the printed papers (marked 91), which your Lordship was pleased to transmit to us on the 12th instant, respecting certain arrangements which had been proposed by Her Britannic Majesty's Minister at Tangier to His Majesty the Sultan of Morocco, with the object of enabling Jewish subjects of the Sultan to bring their complaints and grievances to the direct cognizance of Cid Mahomed Barash, the Moorish Minister at Tangier.

It is our sincere conviction that if Her Majesty's Representative had been acquainted with the terms of the memorial which we recently had the honour to present to your Lordship, he would undoubtedly have pressed upon the Sultan the necessity of relieving the Jews from some of their grievances, and of affording to them additional protection for their lives and property.

We now beg leave to submit to your Lordship that if, in accordance with Sir J. D. Hay's despatch of the 13th May, the complaints of the Jews are in future to be presented direct to Cid Mahomed Bargash at Tangier, and are no longer to be communicated to the Representatives of foreign Powers, the Jews in Morocco will be placed in a position of great peril, and will be virtually isolated from all protective influences.

The intimidation exercised by the Moorish authorities is so overwhelming, that on any occasion when the Jews have to complain of ill-treatment they are constrained to make complaints in the first instance through alien Jewish or Christian merchants, and

they invariably request that their communications should not be divulged to the local Governors.

In support of our views we beg to submit that, according to trustworthy evidence, within the last fifteen years, 205 Jews have been assassinated in Fez, Saffron, Dehdu, Taza, Giret, Outat, Arzila, Tatuán, Larache, Alcazar, Mazagan, and Mogador. In nearly every instance the guilty parties have remained unpunished, and the relatives of the victims have been left completely destitute. The aggressors were fully aware that in attacking a Jew they incurred less danger than in attacking a Mahomedan, because Jews do not indulge in the practice of blood revenge.

Great as is the number of victims, the Jewish communities in Morocco are reluctant to give statistics of all cases of outrage, for they are afraid of bringing upon themselves fresh persecutions through the vindictiveness of local Chiefs. Admitting, in accordance with Sir J. D. Hay's opinion, that Cid Mahomed Bargash is, unlike the usual Moorish officials, an upright and just man, the proposed system would only be a transitory expedient, for, on the death or political removal of Bargash, the Jews would fall under the control of a Minister of the ordinary type.

We further venture to point out that the Sultan's Vizier showed an entire misapprehension of the condition of the Jews in his country, when he informed Sir J. D. Hay (in the letter of the 5th May, appended to the despatch of the 13th of that month) that the Jews are now less careful than they were in former times, both in their language and their acts, and that they, on settling in Morocco, bound themselves by a special compact to walk barefoot through certain thoroughfares, but that with the abandonment of that usage the compact of granting them the right of settlement would be annulled.

It seems to us that the assertion, that the Mahomedan population would oppose the abolition of this last-mentioned usage, is not in accordance even with recent facts, for three years ago, through the intervention of English Jews and Christians, the Governor of Azimour was prevailed upon to permit the abrogation of the rule compelling Jews to walk barefoot through the town, and no resistance whatever was experienced on the abandonment of this barbarous usage.

In conclusion, we beg leave to remind your Lordship that the general situation of the Jews in Morocco has never been improved by any spontaneous action on the part of the native authorities, but that all amelioration which has been effected has been obtained through the humane and energetic interposition of Representatives of the foreign Powers, and we respectfully solicit Her Majesty's Government, on behalf of our co-religionists in Morocco, for a continuance of the direct benefits of protection, whenever required, and to give effect, as far as practicable, to the representations made in our recent memorial to your Lordship in favour of the Jews in Morocco.

We have, &c.
(Signed) J. M. MONTEFIORE, *President of the London Committee of Deputies of the British Jews.*
H. DE WORMS, *President of the Anglo-Jewish Association.*

No. 181.

Sir J. Drummond Hay to Earl Granville.—(Received July 2.)

(No. 111.)

My Lord,

Tangier, June 24, 1880.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 48 of the 15th instant, transmitting copies of a correspondence with Count Károlyi respecting a suggestion of the Austro-Hungarian Government, that a proposal should be brought before the Conference at Madrid that the Emperor of Morocco be invited to make a declaration in favour of religious toleration, and that Her Majesty's Government had replied that it would be better to adhere to the conditions on which the Conference was summoned, but that they had intimated that they will be happy to join the Austro-Hungarian Government, when the Conference is concluded, in addressing a representation to the Government of Morocco against the persecution of the Jews and other non-Mussulman subjects of the Emperor, and in urging the necessity of extending equal privileges and full religious liberty to all classes of the population.

With regard to the proposal of the Austro-Hungarian Government that the Sultan of Morocco should be invited to make a declaration in favour of religious toleration, I do not suppose that there would be any difficulty raised by the Sultan as regards the celebration

of the religious rites practised either by the several sects of Christians or by the Jews in this country, for it cannot be denied that greater toleration has hitherto been shown by the Moorish Government, and also by the Mahommedan population even, than by the Governments of some Catholic countries towards those who do not accept the tenets of their faith.

The Moorish Government has allowed churches, chapels, and synagogues to be built as they are required by the Christian and Jewish population. Bells are rung day and night at the Roman Catholic places of worship, and the priests perform their ceremonies both indoors and out in full canonicals, carrying the crucifix and other symbols through the crowded streets without opposition or interruption on the part of the authorities or Mahommedan population.

The Spanish Franciscan Friars wear the peculiar garment of that order, and they have obtained, as I understand, Royal grants of buildings from the Sultan at several ports for their chapels and residence.

The same liberty and toleration are shown to other Christian sects, and last year the foreign Representatives applied to the Sultan for authority to purchase a Christian cemetery as there is no space left for the burial of the dead in the old ground. The Sultan ordered at once that a garden should be selected for that purpose adjoining the old cemetery, and His Majesty made a gift of the ground to the foreign Representatives.

On my late visit to the Court a Royal letter was delivered to me ordering the Treasurer at Tangier to pay the owner of the garden the sum of 120*l.*, the price it had been valued at.

The Jews perform their religious rites without interruption in the synagogues, as also in the burial of their dead. Two years ago I used with success, my good offices in obtaining from the Sultan the grant of a site for building a school at Tangier for the education and religious instruction of the Jews.

There are no subjects of the Sultan who profess the Christian faith or other non-Mussulman subjects of His Majesty, than the Jews.

Though as I have said, I believe the Sultan would not hesitate in confirming the privileges already granted by Treaty to the Christians,* and by usage to the Jews, I concur with your Lordship's opinion that it would not have been advisable to have raised the discussion of this question at the Conference, neither do I suppose that Cid Mahommed Bargash, who is very cautious and even too punctilious about entertaining proposals upon which the Sultan may not have given him precise instructions, would have been disposed to have expressed any opinion on the subject in question.

With reference to the concluding passage in your Lordship's despatch, where I am directed to give my opinion as to whether the evils which are prevalent in Morocco can possibly be remedied under the present system, and whether the joint representations of the Powers would be sufficient to bring about satisfactory reforms, and if so, what would be the form which that representation should take in order to impress the Sultan with an adequate sense of the necessity of an amendment in the administration both in the towns and in the provinces, I have the honour to acquaint your Lordship that I do not think any beneficial result would be obtained through the representation of foreign Powers, if the Sultan was urged to introduce, suddenly, any radical reforms either in the system of Government or to remove the disabilities under which the Jewish population lie.

On my late visit to the Court at Fez, a deputation composed of the chief Rabbi and other elders of the Jewish community waited upon me and requested me to move the Sultan to issue an Edict, authorizing his Jewish subjects to wear their shoes in passing the Mahommedan quarter of that city. I told the deputation it was distressing for me to see respectable persons in their position compelled to submit to this degrading usage, but I asked them to tell me frankly, after reflection, whether in case I could induce the Sultan to abolish this usage, and that His Majesty departed from the capital, as he generally does in the end of summer, they would feel safe from an ebullition of Mahommedan fanaticism, which might place in jeopardy not only their lives and property, but also the safety and honour of their wives and children. I reminded them that though the civilized world would feel the utmost indignation and might possibly resort to intervention, if cruel outrages were committed on an innocent population by the Mahommedans, yet the injuries suffered would be irrevocable, and it would be but a poor consolation for the survivors to know that they had been avenged. I suggested that the Jews should continue to bear with patience their long sufferings, awaiting the effects of the gradual march in commerce and civilization, which had already produced great changes at the ports, where their brethren were now rarely exposed to the ignominy and ill-treatment the inhabitants of the cities have to endure.

* See Article III of British Treaty and Article VI of Spanish Treaty.

They acknowledged the truth of my observations, but expressed a hope that I would use my good offices with the Sultan on behalf of their oppressed race.

My despatch No. 91 of the 13th May, has informed your Lordship of the language I had held to the Sultan on this subject, and of His Majesty's reply. I do not think Mulai Hassan is animated by the spirit of fanaticism, which pervades the feelings of the majority of his subjects, more especially the priesthood at the capital, but it was evident from his remarks that His Majesty felt he had not the power to control his subjects if an outbreak of fanaticism took place.

The maladministration of this country and the cruel oppression suffered both by the Mahommedan and Jewish population proceed from the system that no civil officer from the Vizir down to the police,* receives any salary or fixed allowance. Their emoluments are derived solely from bribery, peculation, and extortion.

In a private interview I had with the Sultan, I told His Majesty that the result produced by this system, were an impoverished and disaffected population and general corruption, and though his dominions were as large, and nearly as rich in resources, if properly cultivated, as those of France, yet his revenue was less than that of countries like Denmark and Belgium, which had not even a third of the territory or population of Morocco, but that so long as Governors and Sheikhs were allowed to live by extortion there would be no security for life or property, no industry, frequent insurrections, and consequently an insignificant revenue.

The Sultan appeared to be much impressed by my remarks. He promised to turn his attention to the introduction of reforms, but observed that he feared corruption and peculation were so imbued in the character of his officers, that even if he paid them they would continue their malpractices. His Majesty asked me to point out, confidentially, the chief offenders, and also who I thought would be fit officers to replace them.

I produced a long list of the former, which I had prepared, but I confessed that I knew not who to recommend in their places, without assuming a very great responsibility.

I have described to your Lordship this deplorable state of affairs with the view of pointing to the danger of resorting to any undue pressure upon the Sultan to introduce sudden reforms or improvements in the system of Government, as it is to be apprehended that Mulai Hassan will encounter a formidable opposition on the part of his chief officers of state, as well as from the Governors of the provinces and towns, whose emoluments far exceed any salaries His Majesty could, in the present state of Moorish finances, provide. If an attempt to introduce reforms in the system of Government produced a revolution, it would, no doubt, be accompanied by an outbreak of fanaticism, and the commission of outrages upon the non-Mahommedan population.

The course I have to suggest is, that when the Powers of Europe and America have agreed to adopt resolutions which may tend to free the Sultan and his Government from the evils produced by irregular protection, that an identic or a collective note be addressed by the foreign Representatives at Tangier to Cid Mahommed Bargash for transmission to the Sultan, pointing to the friendly conduct of the Powers in having taken into consideration the grievances which had been complained of as affecting the independence and authority of the Sultan, and to the remedies which they consent should be applied, but that they must take that opportunity of reminding the Sultan of the very grave responsibility which will rest upon His Majesty if it is found hereafter that their confidence in His Majesty's wisdom has been misplaced. That His Majesty cannot deny that irregular protection is the offspring of the tyranny, extortion, and injustice, practised by his Governors. That the Powers, therefore, expect that His Majesty will show an earnest desire to alter the system of Government, which induced his subjects, both Mahommedan and Jewish, to seek for the protection of foreign Diplomatic and Consular Officers, and that adequate measures will be taken to insure, not only the safety of the lives and property of foreign subjects and their agents, but also that of His Majesty's subjects, Mahommedans and Jews, who are the victims of the cruelty and extortion of His Majesty's officers, paralyzing the industry of his subjects, and destroying the development of the resources of the country, to the prejudice of trade and of His Majesty's revenue.

The state of the Turkish Empire, and the disregard which has been shown by its rulers to the friendly counsels of foreign Powers might then be alluded to, as also the intervention which took place to rescue the population from the oppression of its rulers.

The Sultan might be assured, however, in friendly language, that there is no desire on the part of foreign Governments to interfere with his independence, but they cannot remain unmoved spectators of acts of cruelty or oppression committed in any region in the world, much less in a country which is only separated from Europe by the Straits of

* The Custom-house officers have been paid since 1861, a measure suggested by me.—J. H. D. H.
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Gibraltar, that they do not wish to dictate in any way the measures which should be adopted, but, confiding in His Majesty's wisdom and friendly disposition, they await with anxiety and watchfulness the steps which His Majesty may be disposed gradually to introduce for improving the system of Government.

That the Powers take this opportunity of expressing their earnest expectation that His Majesty will seek also to mitigate the oppression and injustice suffered by His Majesty's subjects of the Hebrew persuasion, and of abolishing, at a fitting time, the degrading usages to which they are compelled to submit, and which, though they may have been established from ancient times, ought not to be allowed to be continued by a Government which seeks for the friendship and sympathy of the civilized Powers of the world, who have themselves removed, in past years, the disabilities which their own Jewish subjects had grounds to complain of.

That His Majesty should bear in mind that many distinguished persons who profess the Hebrew faith in Europe hold high offices of State, and deservedly take a prominent part in the Councils of those nations with whom the Sultan is in friendly alliance; but that they, so long as their brethren are oppressed and treated with ignominy and injustice, will naturally raise their voices in their behalf, and protest against a Government which admits of such proceedings being regarded with that spirit of friendship and good-will which it is the sincere desire of the Powers of Europe and America to maintain and cultivate.

That the Powers have learnt with satisfaction that His Majesty has lately given a proof of his desire to ameliorate the administration of justice by appointing his Minister for Foreign Affairs as a Court of Appeal when Moorish Governors refuse to give proper attention to the complaints or representations of his Jewish subjects.

In making these suggestions regarding the form of representation to be made to the Sultan with the view of impressing on him the necessity of an amendment in the administration of his Government, I desire to add that it is a very delicate task, and that, under any circumstances, it will be most unadvisable to resort to language which approaches to insistence or menace, which might induce Mulai Hassan to introduce abruptly or prematurely reforms which would be resented by his Ministers and other influential officers, through whom the government of the country is now conducted.

It must be borne in mind that, however pernicious and detestable the present system is, the Sultan still retains sufficient authority in the greater part of the Empire to maintain order and to grant redress when applied for by foreign subjects; but that, if the downfall of his dynasty was brought about, there is no possible combination that I know of which could replace it, and put a stop to the state of anarchy and commission of outrages that would ensue, unless it was effected by an armed intervention of one or more foreign Powers, which would lead to inextricable complications.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 182.

Sir J. Drummond Hay to Earl Granville.—(Received July 2.)

(No. 113. Confidential.)

My Lord,

Tangier, June 26, 1880.

WITH reference to my despatch No. 109 of the 16th June, and to your Lordship's telegram of the 24th, regarding the report that a French squadron was about to be sent to Tangier to make a demonstration, I have the honour to inform your Lordship that this report originated from a rumour of the French Legation,* and was communicated to me confidentially by a colleague.

The French squadron, composed of two iron-clad frigates and two sailing frigates, has been anchored some days in Spanish waters, near Gibraltar, detained, I understand, by the contrary winds.

The "Gibraltar Chronicle" reports that it is a squadron of evolution and for training, and that it is about to proceed to Brest.

I may add that it is not surprising that the rumours of the visit of the squadron to Tangier should have been rife, and that it was intended as a demonstration, when a member of the family of the French Minister mentioned a few days ago, without any

* The interpreter, M. Hecquard.

reserve, at a dinner party where a person of my acquaintance was present, that "l'escadre vient ici pour faire peur aux Maures."

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 183.

Mr. West to Earl Granville.—(Received July 2.)

(No. 165.)

My Lord,

Madrid, June 27, 1880.

WITH reference to my despatch No. 120 of 31st ultimo, I have the honour to inclose to your Lordship herewith printed copy of the declaration respecting religious liberty in Morocco, submitted by the Austro-Hungarian Plenipotentiary for the consideration of the Delegates to the Conference.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 183.

Declaration submitted by the Austro-Hungarian Plenipotentiary.

LA Conférence, au moment de se dissoudre, ayant été informée par la voix de son Président du désir énoncé par Sa Sainteté le Pape que le libre exercice des cultes soit reconnu pour tous au Maroc, n'hésite pas à s'associer, au nom de tous les Etats représentés dans son sein, à ce vœu, et est pénétrée de la conviction qu'il trouvera un accueil favorable aussi auprès de Sa Majesté Shérifienne.

La Conférence en est d'autant plus convaincue que l'Illustre Souverain du Maroc a déjà donné une preuve manifeste de sa tolérance et de sa sollicitude pour le bien-être de ses sujets non-Musulmans, en confirmant en 1874 le Décret accordé par Sa Majesté le Sultan Sidi Mohammed, sous le 26 Chaban, de 1280 (Février 1864), à Sir Moses Montefiore, Décret qui proclame que tous les sujets de l'Empire du Maroc doivent avoir le même rang devant la loi; que par conséquent les Juifs au Maroc doivent être traités conformément à la justice et à l'équité, et qu'aucune violence ne doit être exercée ni à l'égard de leurs personnes ni de leurs biens.

A la suite de ce Décret, bien des lois humiliantes édictées contre les non-Musulmans, dans des temps antérieurs ont été mis hors de pratique, et le sort des races non-Musulmanes au Maroc est devenu plus supportable.

Toutefois, ces lois ne sont pas encore toutes formellement révoquées, et quelques-unes même continuent à être en vigueur dans plus d'un endroit de l'intérieur de l'Empire. De même, le libre exercice de leurs cultes n'est pas encore accordé d'une manière légale aux sujets non-Musulmans de Sa Majesté Shérifienne et beaucoup de restrictions existent encore pour ces derniers qui sont contraires à l'esprit du Décret du 26 Chaban, 1280, et à cette règle si élémentaire et si universellement respectée, que les sujets d'un même pays, de quelque race ou de quelque religion qu'ils soient, dès qu'ils accomplissent fidèlement leurs devoirs envers le Souverain, doivent jouir d'une parfaite identité de droits et d'une complète égalité devant la loi.

Le Sultan Abdul-Medjid, Empereur des Ottomans, a déjà, en 1839, par le Hatti-Chérif de Gulhané, reconnu spontanément et inscrit dans la législation de son pays ce même principe, qui a été développé et aussi consacré depuis par ses successeurs en 1856 et dernièrement encore en 1878, de façon qu'on ne saurait douter qu'il ne se laisse parfaitement concilier avec la loi Mahométane.

Quoique persuadée que l'Illustre Souverain du Maroc est animé, non moins que le Sultan de la Turquie, d'intentions bienveillantes envers ses sujets non-Musulmans, la Conférence croirait manquer à un devoir si elle ne témoignait le vif et profond intérêt qu'elle prend à la prompte amélioration de leur sort. A cet effet, et inspirée par le vœu qui vient de lui être exprimé, la Conférence, au nom des Hautes Puissances représentées dans son sein, fait appel à Sa Majesté Shérifienne afin que, fidèle à ses sentiments de justice et de générosité, elle manifeste sa ferme volonté.

1. De faire respecter dans ses Etats le principe, que tous ceux qui y habitent et qui y habiteront à l'avenir, pourront professer et exercer sans entraves leurs cultes; et

2. De prescrire à son Gouvernement, comme base immuable de la législation du

Maroc, la maxime déjà adoptée dans le Décret du 26 Chaban, 1280, et d'après laquelle, ni la religion, ni la race ne pourront jamais être un motif pour établir une différence dans le traitement par et devant la loi entre ses sujets Musulmans et non-Musulmans, ni servir de prétexte pour imposer à ces derniers des humiliations, pour les priver d'un droit civil quelconque ou pour les empêcher d'exercer librement toutes les professions et industries qui sont permises aux sujets Musulmans de l'Empire.

Une pareille manifestation non-seulement honorerait le règne de sa Majesté Shériffienne, mais inaugurerait aussi pour ses Etats une ère nouvelle de prospérité.

Les Soussignés en déposant le présent Acte entre les mains de son Excellence Sid Mohammed Vargas, prient M. le Plénipotentiaire du Maroc de le soumettre à Sa Majesté Shériffienne, qui ne lui refusera certes pas la sérieuse attention qui mérite un vœu exprimé au nom des Puissances que les Soussignés ont l'honneur de représenter.

Madrid, le 26 Juin, 1880.

No. 184.

Mr. West to Earl Granville.—(Received July 2.)

(No. 166.)

My Lord,

Madrid, June 27, 1880.

WITH reference to your Lordship's despatch No. 106 of the 23rd instant, I have the honour to state that I have little to add to the remarks I had occasion to make in my despatch No. 152, Confidential, of the 15th instant, upon the Italian Ambassador's language, as recorded in your Lordship's despatch No. 277 to Sir A. Paget on the subject of foreign protection in Morocco.

The propositions (subsequently withdrawn) which I presented in the Conference did not advocate the abolition of all protection, as General Menabrea seems to suppose, and my only object was to curtail the pernicious system of granting it. General Menabrea says that the Italian Government is desirous of putting an end to all abuses which had grown up in connection with the practice of granting protection, while the Italian Plenipotentiary in the Conference has done, and is still doing, all he can to maintain the system which has given rise to them and presented propositions (subsequently withdrawn) to this effect.

The note, copy of which was inclosed in your Lordship's despatch No. 106, from the Swedish Minister in London, stating that the Swedish Minister at Madrid "a été invité à ne pas s'engager définitivement dans un sens contraire aux vues du Cabinet du Quirinal," seems to indicate the success of the propaganda which has been carried on here by the Italian Representative at Tangier in favour of the continuance of the right of irregular protection, and I refrain at present from further comments.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 185.

Mr. West to Earl Granville.—(Received July 2.)

(No. 169.)

My Lord,

Madrid, June 27, 1880.

I HAVE the honour to inform your Lordship that the thirteenth meeting of the Conference on the affairs of Morocco was held to-day, and was chiefly occupied with the refusal of the Italian Plenipotentiary to consent to the terms of Article XVI as agreed to by the other Plenipotentiaries, and of which copy is inclosed, limiting the protection to be accorded under the "droit consuetudinaire," or what in reality constitutes irregular protection. This refusal, if acquiesced in, would necessarily have rendered the measures taken by the Conference to restrict and abolish the abuses of irregular protection of no avail. The President, under these circumstances, immediately addressed a telegram to the Spanish Ambassador in Rome, instructing him to represent to the Italian Government the gravity of the situation produced by the course adopted by their Plenipotentiary, and he at the same time appealed to me to request your Lordship's good offices in supporting the representations of the Spanish Ambassador to this effect.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 185.

Article XVI as agreed to by the Majority of the Representatives.

AUCUNE protection irrégulière ne pourra être accordée à l'avenir. Toutefois l'exercice du droit consuetudinaire de protection sera réservé au seul cas, ou il s'agirait de récompenser des services rendus par un Marocain à une Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le protégé ainsi créé ne pourra jamais dépasser celui de trois par Puissance.

La situation des protégés qui ont obtenu la protection en vertu d'usage désormais réglés par les dispositions qui précèdent sera pour eux et pour leur famille identique à celle établie pour les autres protégés.

No. 186.

Mr. West to Earl Granville.—(Received July 2.)

(No. 170.)

My Lord,

Madrid, June 28, 1880.

I HAVE the honour to inform your Lordship that the 14th meeting of the Conference on the affairs of Morocco took place to-day, when the "Projet de Convention" was agreed upon as per annexed draft.

The Conference then adjourned, pending the decision of the Italian Government on Article XVI.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 186.

Projet de Convention.

LES Hautes Parties Contractantes ayant reconnu la nécessité d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence qui s'est réunie à cet effet à Madrid, savoir:

Lesquels, en vertu de leurs pleins pouvoirs, reconnus en bonne et due forme, ont arrêté les dispositions suivantes:

ARTICLE I.

Les conditions dans lesquelles la protection peut être accordée sont celles qui sont stipulées dans les Traités Britannique et Espagnol avec le Gouvernement Marocain et dans la Convention survenue entre ce Gouvernement, la France et d'autres Puissances en 1863, sauf les modifications qui y sont apportées par la présente Convention.

ARTICLE II.

Les Représentants étrangers Chefs de Mission, pourront choisir leurs Interprètes et employés parmi les sujets Marocains ou autres.

Ces protégés ne seront soumis à aucun droit, impôt ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

ARTICLE III.

Les Consuls, Vice-Consuls, ou Agents Consulaires Chefs de poste qui résident dans les Etats du Sultan du Maroc, ne pourront choisir qu'un Interprète, un soldat et deux domestiques parmi les sujets du Sultan, à moins qu'ils n'aient besoin d'un Secrétaire indigène.

Ces protégés ne seront soumis non plus à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

ARTICLE IV.

Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans une ville de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui-même, ne sera soumise à aucun droit, impôt, ou taxe quelconque en dehors de ce qui est stipulé aux Articles XII et XIII; mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

Il pourra toutefois, pour l'exercice de ses fonctions, avoir un soldat protégé.

Les Gérants des Vice-Consulats, sujets du Sultan, jouiront, pendant l'exercice de leurs fonctions, des mêmes droits que les Agents Consulaires, sujets du Sultan.

ARTICLE V.

Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit qui leur est accordé par les Traités de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Cheikhs ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

Il reste entendu que les procès civils engagés avant la protection se termineront devant les Tribunaux qui en auront entamé la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

Quant aux protégés qui auraient un procès commencé avant que la protection ait cessé pour eux, leur affaire sera jugée par le Tribunal qui en était saisi.

Le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays et qu'elles n'aient, s'il y a lieu, accompli leur peine.

ARTICLE VI.

La protection s'étend sur la famille du protégé. Sa demeure est respectée.

Il est entendu que la famille ne se compose que de la femme, des enfants, et des parents mineurs qui habitent sous le même toit.

La protection n'est pas héréditaire. Une seule exception, déjà établie par la Convention de 1863, est maintenue en faveur de la famille Benchimol; mais cette exception ne créera pas un précédent.

Cependant, si le Sultan du Maroc accordait une autre exception, chacune des Puissances Contractantes aurait le droit de réclamer une concession semblable.

ARTICLE VII.

Les Représentants étrangers informeront par écrit le Ministre des Affaires Etrangères du Sultan du choix qu'ils auront fait d'un employé.

Ils communiqueront chaque année au dit Ministre une liste nominative des personnes qu'ils protègent ou qui sont protégés par leurs Agents dans les Etats du Sultan du Maroc.

Cette liste sera transmise aux autorités locales, qui ne considéreront comme protégés que ceux qui y sont inscrits.

ARTICLE VIII.

Les Agents Consulaires remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Etrangères, afin que si elle n'est pas conforme aux Règlements, les Représentants à Tanger en soient informés.

L'officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat.

ARTICLE IX.

Les domestiques, fermiers, et autres employés indigènes des Secrétaires et Interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois, les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation, d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser ou à violer son domicile, il serait immédiatement arrêté, mais l'autorité Diplomatique ou Consulaire sous laquelle il est placé serait avertie sans retard.

ARTICLE X.

Il n'est rien changé à la situation des censaux telle qu'elle a été établie par les Traités, et par la Convention de 1863, sauf ce qui sera stipulé, relativement aux impôts, dans les Articles suivants:—

ARTICLE XI.

Le droit de propriété au Maroc est reconnu pour tous les étrangers.

L'achat de propriétés devra être effectué avec le consentement préalable du Gouvernement, et les titres de ces propriétés seront soumis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Etrangères, stipulé dans les Traités.

ARTICLE XII.

Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date, et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne.

ARTICLE XIII.

Les étrangers, les protégés, et les censaux propriétaires de bêtes de somme paieront la taxe dite des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

ARTICLE XIV.

La médiation des Interprètes, Secrétaires indigènes, ou soldats des différentes Légations ou Consulats, lorsqu'il s'agira de personnes non placées sous la protection de la Légation ou du Consulat, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

ARTICLE XV.

Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire, et l'obligation de quitter le Maroc, à moins qu'il ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque pays, leur est maintenue pour tous ses effets, sans restriction aucune.

ARTICLE XVI.

Aucune protection irrégulière ne pourra être accordée à l'avenir.

Cependant, l'exercice du droit consuetudinaire de protection sera réservé au seul cas où il s'agirait de récompenser des services éclatants rendus par un Marocain à une

Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger, afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu.

La situation des protégés qui ont obtenu la protection en vertu d'usages désormais réglés par les dispositions qui précèdent, sera, pour eux et pour leurs familles, identique à celle établie pour les autres protégés.

ARTICLE XVII.

Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc, à toutes les Puissances représentées à la Conférence.

ARTICLE XVIII.

En foi de quoi, ils ont signé la présente Convention, en treize exemplaires identiques, à Madrid, le

No. 187.

Mr. West to Earl Granville.—(Received July 2.)

(No. 172.)

My Lord,

Madrid, June 29, 1880.

I HAVE the honour to transmit to your Lordship herewith printed copies of Protocols Nos. 10 and 11 of the sittings of the Conference on the 21st and 24th instants.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

Inclosure 1 in No. 187.

Protocole No. 10.—Séance du 21 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 „ d'Autriche-Hongrie,
 „ de Belgique,
 „ d'Espagne,
 „ des Etats-Unis d'Amérique,
 „ de France,
 „ de la Grande Bretagne et Danemark,
 „ d'Italie,
 „ du Maroc,
 „ des Pays-Bas,
 „ du Portugal, et
 „ de la Suède et Norvège.

LA séance est ouverte à midi et demi.

Le procès-verbal de la séance antérieure est lu et approuvé.

Lecture est donnée du No. 19 des propositions du Gouvernement Marocain, qui appelle l'attention des Puissances sur l'abus qui résulte du retour et de la résidence au Maroc des sujets autrefois Marocains naturalisés à l'étranger.

Le Président invite les Plénipotentiaires à faire connaître leur avis sur les points soulevés par la proposition Marocaine.

Le Plénipotentiaire d'Allemagne constate que son Gouvernement n'est pas directement intéressé dans cette question, l'Allemagne n'accordant la naturalisation que lorsqu'elle est demandée avec le consentement formel du Gouvernement du candidat. D'ailleurs le Gouvernement Allemand a déclaré que le Marocain naturalisé qui retournerait se fixer au Maroc perdrait la protection Allemande.

Le Plénipotentiaire d'Autriche-Hongrie observe qu'en Hongrie également on n'accorde des lettres de naturalisation que sur la présentation d'un certificat

constatant que le candidat a été autorisé par son Gouvernement à changer de nationalité. Dans le reste de la Monarchie on fait dépendre cette concession de la réciprocité ou des Conventions spéciales qui existent avec quelques Etats.

Le Plénipotentiaire de Belgique dit que la loi Belge demande, comme première condition pour être naturalisé, une résidence de cinq ans au moins en Belgique. Les naturalisations sont votées par les Chambres et approuvées par le Souverain. Dans ces conditions, le cas d'un Marocain naturalisé en Belgique serait absolument exceptionnel. Néanmoins, comme le retour dans le pays d'origine du sujet naturalisé n'a pas été prévu par la loi Belge, M. Anspach ne se croirait pas, quant à présent, autorisé à prendre part à une discussion dont le résultat pourrait modifier les effets de dispositions législatives en vigueur dans son pays. Il ne serait, en aucun cas, disposé à admettre que les effets de la naturalisation puissent cesser par le seul fait du retour dans la patrie d'origine; il faudrait que ce retour fût accompli dans un but avéré de résidence permanente, et que toute concession qui pourrait être faite à la demande du Gouvernement Marocain fût entourée, en outre, des garanties les plus formelles.

Le Plénipotentiaire des Etats-Unis dit que son Gouvernement n'admet aucune distinction entre sujets Américains, qu'ils le soit par le fait de la naissance ou par naturalisation, qu'ils se trouvent dans leur propre pays ou dans des pays étrangers; il ne saurait, par conséquent, reconnaître au Gouvernement du Maroc le droit de ne point tenir compte de documents qui attesteraient qu'un de ses anciens sujets serait devenu citoyen Américain par droit de naturalisation, pas plus qu'il ne peut admettre la prétention du Maroc de méconnaître les effets des passeports légalement délivrés à des citoyens, nés ou naturalisés, des Etats-Unis.

Le Général Fairchild estime cependant qu'il n'est pas juste qu'un Marocain, devenu citoyen naturalisé des Etats-Unis ou de tout autre pays, retourne au Maroc avec l'intention de s'y fixer et puisse continuer néanmoins à réclamer sa qualité de naturalisé. Il admet donc qu'un pareil retour, accompli avec intention de séjour permanent, devra faire perdre la qualité acquise de citoyen étranger, et replacer le Marocain dans les mêmes conditions où il se trouvait avant d'avoir quitté son pays. Le Plénipotentiaire des Etats-Unis pense qu'il serait juste de considérer tout individu, qui, revenu au Maroc, y résiderait sans esprit de retour dans son pays d'adoption un nombre d'années déterminé, dont les Gouvernements fixeraient le minimum, comme ayant perdu sa nouvelle nationalité et repris l'ancienne.

Le Gouvernement des Etats-Unis a le droit et le devoir de protéger complètement, et par tous moyens légitimes, ses sujets naturalisés partout où ils se trouvent. Mais le Général Fairchild ne croit pas que l'on doive admettre que la naturalisation étrangère puisse être recherchée par les sujets d'un pays quelconque dans le but unique de continuer à résider dans leur patrie en éludant ses lois; il déclare qu'il se joindra volontiers aux autres Plénipotentiaires pour recommander aux Gouvernements représentés au sein de la Conférence toutes les mesures qui pourront protéger le Maroc contre une telle injustice, une telle fraude. Le Général Fairchild ne doute point que le Gouvernement des Etats-Unis ne soit disposé à entrer en négociations avec le Maroc pour régler ce point.

Le Plénipotentiaire de France expose que la naturalisation étant accordée par des lois—lois qui, d'ailleurs, ne sont pas les mêmes pour toutes les Puissances—il lui paraît difficile que la Conférence puisse prendre une décision sur la question des naturalisés.

En ce qui concerne la France, sa législation intérieure n'a pas prévu le cas où des naturalisés Français viendraient se fixer, après leur naturalisation, dans leur pays de naissance; mais l'Amiral Jaurès pense que par voie de mesure individuelle il serait peut-être admissible, le cas échéant, de ne plus accorder d'appui aux Marocains qui, après avoir séjourné sur le territoire Français durant trois ans, dans le seul but d'y acquérir la naturalisation Française, retourneraient ensuite sur le territoire du Maroc avec la pensée de s'y établir, sans esprit de retour.

C'est donc, à son avis, par la voie diplomatique qu'il pourrait être remédié à l'état des choses dont se plaint le Maroc.

Le Plénipotentiaire de la Grande Bretagne estime que les plaintes du Maroc sont très-fondées, et que les Marocains qui retournent dans leur pays doivent être soumis à ses lois. Ce n'est même point d'une demande du Gouvernement Marocain qu'il est question, mais d'une loi du Sultan, d'un droit de souveraineté.

Le Plénipotentiaire d'Italie se rallie à l'avis exprimé par le Plénipotentiaire de France.

Le Plénipotentiaire des Pays-Bas dit que la législation Hollandaise exige un

séjour de six ans et un vote des deux Chambres comme condition de la naturalisation d'un étranger, elle n'a pas prévu le cas du retour au pays d'origine.

M. de Heldewier partage entièrement, d'ailleurs, l'avis de M. le Plénipotentiaire de Belgique, et, comme lui, ne se croirait pas en mesure de prendre part à la discussion d'une question de cette nature.

Le Plénipotentiaire du Portugal rappelle, en commençant, que le Représentant de Portugal à la Conférence de Tanger a eu, sur ces questions, une attitude très accentuée, dictée, d'ailleurs, par les instructions de son Gouvernement.

M. le Comte de Casal Ribeiro partage, sur la question de fond, la manière de voir du Plénipotentiaire des Etats-Unis; il pense d'autre part que l'importance de cette matière et la forme sous laquelle la Conférence en est saisie, font qu'elle ne puisse être que l'objet d'un accord général. Le Plénipotentiaire du Portugal se trouve suffisamment autorisé pour discuter et établir dès à présent, en ce qui concerne le Portugal, les bases de cet accord.

Il rappelle que la loi Portugaise n'exige pas, comme celles de certains autres pays, la présentation de documents ou certificats de libération comme une des conditions pour être naturalisé. La naturalisation, d'autre part, n'est point accordée comme un droit à toute demande: elle dépend d'une faculté gouvernementale. Le Gouvernement Portugais peut donc s'engager à ne l'accorder qu'avec certaines réserves ou dans certains cas.

Un point capital, sur lequel sera forcé d'insister d'une façon absolue le Plénipotentiaire de Portugal, est celui de la non-rétroactivité qu'il doit stipuler pour toute disposition qui viendrait à être adoptée par la Conférence.

M. le Comte de Casal Ribeiro fait brièvement l'historique de cette question, soulevée pour la première fois par le Gouvernement Marocain à Tanger en 1877, et rappelée par la lettre de Sid Mohammed Vargas du 18 Février, 1879. Il rappelle que le Représentant du Portugal a dû s'élever, à cette époque, contre l'intention, annoncée par le Gouvernement Marocain, de ne pas reconnaître les effets de la naturalisation; et qu'il a eu plus tard à protester contre cette même prétention, formulée de nouveau, dans une note du mois de Février 1880, au moment où cette question allait être prochainement soumise à l'examen d'une Conférence internationale.

Le Comte de Casal Ribeiro conteste, en passant, le bien-fondé des plaintes du Gouvernement Marocain, au sujet de l'abus qui serait fait de "passeports de naturalisation." La possession d'un passeport ne suffit pas pour attester une nationalité; le Gouvernement Portugais, qui ne défend que ses lettres de naturalisation, n'a, par conséquent, aucune concession à faire au Maroc sur ce point.

La question du paiement des impôts, sur laquelle insistait naguère le Maroc, se trouve désormais résolue par la récente décision de la Conférence; il est peu douteux, en effet, que les étrangers ne soient mis, sous ce rapport, sur le pied de l'égalité avec les sujets du Sultan.

Reste l'argument tiré de la juridiction spéciale dont jouissent les étrangers au Maroc, argument qui ne serait généralement pas de mise en Europe, où la juridiction spéciale, en pareil cas, ne serait pas reconnue. Le Gouvernement Portugais est prêt à accepter sur ce point toute solution équitable: il n'a pu seulement admettre que la question fut tranchée uniquement par une décision du Gouvernement Marocain.

Le Comte de Casal Ribeiro rappelle à ce propos que le nombre des Marocains naturalisés en Portugal est peu considérable et ne dépasse guère une vingtaine.

Le Plénipotentiaire du Portugal passe ensuite à la discussion d'un précédent qui a été allégué à Tanger comme une raison d'admettre la demande du Maroc.

La Turquie a bien déclaré, en effet, par l'Article 5 de la Loi du 19 Janvier, 1869, que la naturalisation étrangère, acquise sans autorisation préalable du Gouvernement Impérial, serait considérée comme nulle et non avenue: elle a pu aussi, ainsi que l'a rappelé M. le Ministre d'Allemagne à la Conférence de Tanger dans la séance du 5 Avril, 1879, dire que tout sujet Ottoman naturalisé étranger perdrait cette qualité en revenant en Turquie; et il est vrai que les Puissances ont accepté ces déclarations. Mais il importe de signaler les difficultés qu'a présentées cette acceptation de la part des Gouvernements étrangers.

La Russie n'a pas adhéré tout d'abord: elle a même demandé un instant qu'une Conférence se tint sur cette question. L'Angleterre, de son côté, donnait à ses Représentants des instructions qui paraissaient prévoir des conflits. Le

Gouvernement Français, enfin, n'a accepté la loi qu'après avis du Comité de Contentieux, qui a notamment constaté qu'aucune expression employée dans sa rédaction ne pouvait attribuer à ses dispositions un effet rétroactif. Le Gouvernement Turc lui-même a dû reconnaître, dans des Mémoires adressés à des Gouvernements étrangers, que la Loi du 19 Janvier avait été l'objet des critiques les plus sévères, qui n'étaient tombées que devant la déclaration officielle par la Sublime Porte de l'esprit dans lequel serait appliquée chacune de ses dispositions; il avait solennellement déclaré, dans la Circulaire du 26 Mars, 1869, que la loi ne pourrait modifier en aucune manière les qualités et les droits antérieurement acquis.

Le Plénipotentiaire du Portugal, observant que les questions qui touchent à la nationalité ont toujours été comptées parmi les plus ardues du droit international privé, constate que la tendance générale des législations modernes paraît être dans le sens d'une plus grande liberté, qui admet le choix de la nationalité par l'individu, dans des conditions et sous des réserves déterminées. Il est regrettable que l'on soit obligé, dans le cas du Maroc, de rétrograder dans cette voie; mais il est impossible de méconnaître les conditions spéciales que l'on invoque, et la valeur d'arguments comme celui que l'on tire de l'existence d'une juridiction spéciale.

Le Portugal désire ardemment l'indépendance et le développement du Maroc, et reconnaît qu'ils exigent que son Gouvernement conserve sa liberté d'action à l'intérieur. Il doit refuser absolument de revenir sur la qualité déjà acquise de sujets naturalisés Portugais; mais il est prêt à examiner, et à remédier toutes fois qu'il y aura lieu, les abus qui ont pu se produire dans des cas particuliers. Pour l'avenir, enfin, le Gouvernement Portugais est disposé à sanctionner telles mesures qui, sans dénier les effets de la naturalisation aux sujets autrefois Marocains qui retourneraient, sans esprit de résidence, dans leurs pays, les refuseraient cependant dans les cas où la nationalité Portugaise n'aurait été considérée que comme un moyen d'échapper aux lois du Maroc.

Le Plénipotentiaire de Suède et Norvège constate que les lois de ces deux Royaumes font dépendre la naturalisation de la présentation, par le demandeur, de documents certifiant qu'il a cessé d'être le sujet de l'Etat qui, jusqu'à l'époque de la demande, avait été sa patrie. M. Akerman ajoute que cette condition lui paraît constituer déjà une réponse favorable à la proposition Marocaine, mais il n'aurait pas non plus d'objection à adhérer à celle-ci d'une manière plus formelle.

Le Président observe qu'il serait regrettable que la Conférence dût renoncer à discuter la demande présentée à Tanger sous le No. 19 par le Gouvernement Marocain, par suite du défaut d'instructions spéciales dont excipent certains des Plénipotentiaires. La question des effets de la naturalisation à l'étranger des indigènes qui retournent au Maroc pour y résider, posée déjà au sein de la Conférence de Tanger, a toujours paru être réservée à l'examen de la Conférence de Madrid, et faire partie de son programme.

Comme Plénipotentiaire d'Espagne, M. Cánovas del Castillo croit que la demande du Maroc ne soulève en réalité aucune question de droit international, et que son acceptation n'affecterait point la législation intérieure de chaque Etat.

La Turquie, en somme, a pu faire accepter en 1869 et dans des circonstances analogues, tout ce qui lui était nécessaire; les effets rétroactifs de la loi ont seuls été l'objet des réserves et des objections faites par les Puissances. Les documents cités par le Plénipotentiaire du Portugal n'établissent pas que parmi ces objections ait jamais été faite celle qu'on semble opposer à la demande du Maroc, à savoir, que son acceptation pourrait être incompatible avec la législation existante des Puissances. Il s'agit plutôt de l'exercice d'un droit de législation intérieure par le Gouvernement Marocain, qui ne s'oppose pas à ce que ses sujets se fassent naturaliser à l'étranger, et qui exige uniquement qu'ils renoncent à leur nouvelle nationalité au cas où ils reviendraient se fixer au Maroc.

Mais la Turquie a fait plus encore. Le Gouvernement Ottoman n'a pas seulement déclaré que les sujets Ottomans ne pourraient en aucun cas se naturaliser à l'étranger sans autorisation préalable: il n'a pas seulement dit qu'il ne reconnaîtrait pas les effets de la naturalisation obtenue sans cette condition: il a défendu à tout Ottoman de la demander, et cette prohibition suppose une sanction pénale.

Or, que demande le Maroc, alors que le retour dans son pays du Marocain naturalisé a lieu dans le but avéré d'y fixer à nouveau sa résidence; dans un esprit contraire, par conséquent, à celui qu'a supposé toujours sa naturalisation par un autre Etat; lorsque la présence de cet homme, les privilèges dont il continue à jouir, les exceptions dont il est l'objet au milieu de ses compatriotes et de ses parents

mêmes, choquent toute idée de justice, entretiennent une agitation permanente et peuvent à chaque instant devenir la source de troubles et de désordres publics ? Le Gouvernement Shériffien ne prétend pas interdire à ses sujets de se faire naturaliser : il ne demande même pas que son autorisation préalable ait été obtenue, quoique ce soit là une condition exigée déjà par la législation de plusieurs pays d'Europe : il veut seulement que le Marocain revenu au Maroc cesse d'être étranger.

Par ces raisons M. Cánovas del Castillo estime que cette demande, si modérée dans la forme, si légitime quant au fond, ne serait trouvée incompatible avec la législation d'aucun Etat, et qu'elle pourrait être admise par les Plénipotentiaires.

La Conférence pourrait tout au moins adopter, à ce sujet, une déclaration générale : sa décision sur un point déjà débattu à Tanger, sur une question de principe reconnue jadis par les Puissances lorsqu'il s'agissait de son application en Turquie, ne saurait surprendre aucun des Gouvernements représentés.

Quant à l'effet rétroactif des dispositions qui pourraient être prises, un effet de cette nature, toujours si difficile à admettre, ne saurait être consenti dans le cas actuel. Mais, si la rétroactivité qu'a combattue le Plénipotentiaire du Portugal est, en effet, absolument inadmissible, il semble qu'on ne puisse, sur la question du fond, nier que les plaintes du Maroc soient fondées en justice.

Sur la proposition du Président, la Conférence s'ajourne, à la suite de cette discussion, au Mercredi 23 Juin.

La séance est levée à 3 heures et demie.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 2 in No. 187.

Protocole No. 11.—Séance du 24 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
" d'Autriche-Hongrie,
" de Belgique,
" d'Espagne,
" des Etats-Unis d'Amérique,
" de France,
" de la Grande Bretagne et Danemark,
" d'Italie,
" du Maroc,
" des Pays-Bas,
" du Portugal, et
" de la Suède et Norvège.

LA séance, remise du Mercredi, 23 Juin, s'ouvre à midi et demi.

Le procès-verbal de la séance antérieure est lu et approuvé.

L'ordre du jour appelle la suite de la discussion des questions relatives à la naturalisation de sujets Marocains à l'étranger.

Le Plénipotentiaire du Maroc dit que son Gouvernement ne s'oppose aucunement à ce que les sujets Marocains changent leur nationalité. Sa demande se réduit, ainsi que l'a constaté dans la dernière séance M. le Plénipotentiaire d'Espagne, à ce que, une fois naturalisés à l'étranger, ils ne reviennent plus se fixer au Maroc, à moins qu'ils ne veuillent s'y soumettre à l'autorité de Sa Majesté le Sultan.

Sid Mohammed Vargas a signalé par la lettre en date du 18 Février, 1879, qui a été jointe à sa demande No. 19, ainsi que dans la séance tenue à Tanger le

19 Juillet de la même année, les abus de tout genre qui ont rendu nécessaire cette demande.

Il s'agit, d'ailleurs, d'une loi Marocaine, édictée par le Sultan comme Souverain indépendant dans une question d'ordre intérieur, et qui ne touche en rien à la législation particulière de chaque Etat.

S'il est vrai qu'en Amérique comme en Europe les Gouvernements admettent le retour et la résidence dans leurs Etats des sujets naturalisés à l'étranger, il ne faut pas oublier que ces individus ne sont pas, comme au Maroc, soustraits par leur nouvelle qualité aux juridictions nationales.

Du reste, ces mêmes Gouvernements expulseraient immédiatement, par raisons d'ordre public, les individus naturalisés à l'étranger dont la résidence deviendrait un danger ou scandale ; et cela sans rencontrer d'opposition de la part des Puissances qui pourraient protéger ces gens. Or, ce droit, le Gouvernement Marocain ne peut l'exercer, et pourtant il aurait, plus que tout autre, besoin qu'il lui fut reconnu, car son autorité, ébranlée par l'état de choses dont il se plaint, ne saurait en aucun cas être comparée à celle des Gouvernements Européens.

Il ne faut point oublier combien différent des citoyens Européens ou Américains les sujets Marocains. Le caractère et l'éducation de ces derniers font qu'à l'abri des privilèges accordés par le Maroc aux étrangers, ils abusent de leurs droits pour susciter des difficultés et donner occasion à des troubles, sérieux souvent et toujours nuisibles au prestige des autorités nationales. Que si l'on ne portait remède à cette situation par l'adoption de mesures qui rendraient à la naturalisation son véritable caractère,—car il est évident qu'aucune nation ne l'accorde dans l'esprit de créer une difficulté au Gouvernement d'une Puissance amie,—le Maroc, délivré des protégés irréguliers grâce aux dispositions arrêtées par la Conférence, se verrait bientôt envahi par des Marocains naturalisés, et le mal n'aurait disparu que pour prendre une forme plus menaçante encore pour la paix de l'Empire.

Par ces motifs le Plénipotentiaire du Maroc prie la Conférence de prendre en considération le Projet d'Article qu'il lui soumet en ces termes :

"Le Gouvernement du Maroc ne s'oppose pas à ce que les sujets Marocains changent leur nationalité ; mais, de retour dans leur pays natal, ils ne pourront se soustraire à l'autorité de Sa Majesté le Sultan, ni à la juridiction locale."

Le Président observe que la Conférence ne saurait accepter une rédaction qui, d'une part, fait dépendre la perte de la nationalité acquise à l'étranger du seul fait d'un retour au Maroc, et qui, d'un autre côté, n'exclut point expressément tout effet rétroactif.

Il croirait préférable de soumettre à la discussion des Plénipotentiaires le Projet d'Article suivant :

"Tout sujet Marocain naturalisé à l'étranger qui reviendra au Maroc devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre la soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc."

La Conférence paraissant disposée à accepter cette rédaction, le Plénipotentiaire de France dit qu'il aurait préféré réserver pour une entente directe entre le Maroc et la France la question des naturalisations ; mais que, par esprit de conciliation et comme marque de déférence envers l'opinion de ses collègues, il accepte la rédaction proposée par le Président, se bornant à demander qu'elle soit complétée par le membre de phrase suivant, qui lui paraît indispensable : . . . "à moins qu'ils ne soit prouvé que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain."

Le Plénipotentiaire du Portugal demandera aussi une addition à l'Article, qui déclarera que la naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque pays, leur est maintenue, pour tous ses effets, sans restrictions aucune.

Le Plénipotentiaire du Maroc retire la rédaction qu'il a proposée en premier lieu, et demande à lui substituer le Projet suivant, qu'il croit entièrement conforme au sentiment des Plénipotentiaires, et qui prévient toute difficulté et toute discussion lors de l'application de l'Article :

"Tout sujet Marocain naturalisé à l'étranger qui reviendra au Maroc, devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre la renonciation à cette naturalisation et l'obligation pour lui, et pour sa famille, de quitter le Maroc. Dans ce dernier cas, le retour au Maroc ne lui sera plus permis, pas plus qu'à sa famille, à moins de soumission entière à l'autorité du Sultan et aux lois du pays."

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"La durée du séjour sera comptée jour pour jour égale à celle que la loi du pays étranger aura exigé pour la naturalisation, soit que le nombre voulu d'années ait été fourni par une résidence continue au Maroc, soit que cette résidence ait été interrompue par des absences à l'étranger.

"Par famille on comprendra la femme et les enfants qui suivent la nationalité du mari et du père.

"La résidence, dans les Etats du Sultan, de la famille, ou d'un individu de la famille, du Marocain naturalisé sera considérée, pour les fins de cet article, comme équivalant à la résidence du naturalisé lui-même. Il en serait de même s'il conservait au Maroc une maison de commerce opérant en son nom."

Sid Mohammed Vargas demande enfin à la Conférence de sanctionner la disposition suivante, qu'il croit essentielle au prestige de l'autorité Shériffienne et au maintien de l'ordre public dans son pays :

"Il est entendu que si, pendant son séjour au Maroc, le Marocain naturalisé ou un membre de sa famille venait à intervenir, directement ou indirectement, dans les affaires du pays, à provoquer des troubles, à commettre une action contraire aux lois, ou à manquer au respect dû aux autorités locales, celles-ci s'en plaindront au Consul qui, dès lors et sans attendre l'expiration du délai stipulé, expulsera immédiatement les délinquants du territoire Marocain."

Le Président constate que les autres Plénipotentiaires paraissent unanimes à préférer la rédaction qui a déjà été l'objet d'une entente générale. La Conférence ne peut entrer dans certains détails ni prévoir toutes les formes d'abus qui pourront se présenter; elle ne peut que déclarer un principe dont l'application devra être requise, dans des cas particuliers, par la voie diplomatique.

Le Plénipotentiaire du Maroc insistant pour qu'il soit fait mention de la famille du naturalisé, le Président observe que la rédaction proposée répond, par le fait, à toute difficulté de ce chef, car ses dispositions s'appliquent également aux membres de la famille, si l'on considère qu'ils deviennent eux-mêmes naturalisés par le fait de la naturalisation du père ou mari.

Le Plénipotentiaire du Maroc déclare accepter l'Article, du moment où l'on doit admettre cette interprétation.

Quant à l'addition qui a été proposée par M. le Plénipotentiaire de France, *Sid Mohammed Vargas* se borne à déclarer que le consentement que Sa Majesté le Sultan pourrait donner à la naturalisation d'un de ses sujets ne le sera que sous forme de Firman Shériffien.

La Conférence adopte l'Article 19, qui est rédigé en ces termes :

"Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc, à moins qu'il ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

"La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque pays, leur est maintenue, pour tous ses effets, sans restriction aucune."

La Conférence passe ensuite à l'examen des faits exposés à la Conférence de Tanger par *Sid Mohammed Vargas* dans la lettre du 18 Février, 1879.

Le Président constate que tous les Plénipotentiaires reconnaissent, ainsi que l'ont déjà fait les Représentants à Tanger, la justice des observations présentées par le Ministre des Affaires Etrangères de Sa Majesté Shériffienne au sujet de l'ingérence des Agents Consulaires dans les affaires déferées aux Tribunaux Marocains; mais il ne semble pas que la Conférence ait à statuer sur ce point, les Représentants des Puissances à Tanger ayant déclaré qu'ils feraient droit à la demande de *Sid Mohammed Vargas*,

Le Plénipotentiaire de France propose ensuite, et la Conférence adopte à l'unanimité sous le No. 20, l'Article suivant :

"Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence."

Le Président observe que la Conférence, qui a examiné les dix-neuf demandes présentées à Tanger par le Gouvernement Marocain, et statué sur chacune d'elles, et qui vient d'adopter enfin un dernier et nouvel Article, paraît être arrivée au terme prévu de ses travaux. Il prie néanmoins les Plénipotentiaires, au cas où ils désireraient soumettre des matières nouvelles à la délibération commune, de vouloir bien en saisir la Conférence.

Le Plénipotentiaire du Maroc demande alors la parole, et fait la déclaration

suivante, qu'il considère comme la conséquence nécessaire de toutes les dispositions consenties par la Conférence au sujet de la protection au Maroc :—

"Le Gouvernement Marocain ne reconnaîtra d'autres protégés que ceux dont le nombre et les qualités ont été déterminés par les Articles que la Conférence a adoptés.

"Les individus qui ne se trouveraient pas dans ces conditions devront être, par conséquent, rayés des listes et privés de la protection étrangère; ils passeront sous la protection directe de Sa Majesté Shériffienne et il sera procédé à leur égard, dans tous les cas où ils auraient des contestations avec d'autres sujets du Sultan ou avec des sujets ou protégés étrangers, de la manière suivante :—

"Toute question sera soumise au Kadi ou au Gouverneur, selon qu'elle sera du ressort de l'un ou de l'autre, mais toujours avec l'appel, stipulé dans les Traités, au Ministre des Affaires Etrangères à Tanger. Pour le cas où l'ex-protégé s'opposerait à ce que son affaire fût soumise aux autorités Marocaines du lieu de sa résidence, il aura le droit de la porter directement devant le dit Ministre, lequel, après avoir prononcé la sentence, et au cas où l'ex-protégé se croirait lésé par elle, entendra le Représentant étranger à Tanger de la nation qui protégeait autrefois l'intéressé, et lui fera connaître les raisons sur lesquelles se fonde la sentence.

"Les Représentants étrangers remettront au Ministre des Affaires Etrangères une liste spéciale mentionnant les noms et résidences des individus qui ont été éliminés des listes de protection par suite des présentes dispositions, afin que les autorités locales puissent en être prévenues."

Le Président remarque que cette proposition reproduit les observations développées par *Sid Mohammed Vargas* dans les lettres du 18 Février et 12 Avril 1879. Il rappelle que la Conférence a eu connaissance d'un Projet du Plénipotentiaire des Etats-Unis, visant la situation des ex-protégés; mais ce Projet, qui suppose une décision antérieure sur le principe, paraît devoir être réservé à une délibération ultérieure.

Le Plénipotentiaire d'Italie demande la parole, et s'exprime en ces termes :—

"Permettez-moi, Messieurs, de rappeler tout d'abord les Traités stipulés entre le Maroc et les Etats Italiens, depuis le commencement du dixième siècle jusqu'en 1833. Ils sont nombreux et dignes d'être notés.

"La République de Gènes a été la première à conclure des Traités avec le Maroc; Pise, Florence, et Venise suivirent son exemple. Le Royaume des Deux Siciles, la Toscane, la Sardaigne, stipulèrent successivement des accords internationaux avec ce pays. Le Gouvernement des Deux Siciles a confirmé en 1833 ses anciens Traités. Les Papes exerçaient déjà au deuxième siècle une protection sur les Chrétiens sujets des Emirs du Maroc.

"Dans ces Traités, même dans les plus anciens, on trouve, comme dans le Traité Français de 1767, le principe du droit de protection. Avec le temps et par l'usage l'exercice de ce droit a fondé un droit de protection consuetudinaire.

"Le droit même de propriété est mentionné dans le Traité avec les Deux Siciles, lequel accordait aux sujets relevant de ce pays, le droit de posséder des maisons dans l'Empire Marocain.

"Le droit consuetudinaire de protection n'a jamais soulevé la moindre objection de la part du Gouvernement Marocain. Celui-ci la reconnu et sanctionné par le fait, puisqu'il a toujours exécuté les arrêts que les Tribunaux Consulaires, ou les Juges arbitres, ont prononcé contre des sujets du Sultan en faveur de ses sujets protégés, en vertu du droit coutumier. C'est contre les abus et non contre le droit, que le Gouvernement a parfois élevé des plaintes.

"Les Gouvernements de la Grande Bretagne, d'Espagne, et de France, ont trouvé, dans leur haute appréciation, qu'il était plus conforme à leurs intérêts de limiter, en ce qui les concernait, le droit de protection. La Grande Bretagne et l'Espagne ont conclu des Traités qui limitent la protection aux indigènes employés et domestiques de leurs Légations, Consuls, Vice Consuls, et Agences Consulaires. La France a signé le Règlement de 1863, qui admet seulement deux catégories de protégés, c'est-à-dire, la catégorie des employés et des domestiques, et celle des censaux. Ce qui n'a pas empêché qu'en dehors de ces catégories d'autres inscriptions de protégés, ressortissant de ces Légations, aient pu avoir lieu, inscriptions rayées plus tard, à l'occasion de la présentation des listes au Ministre des Affaires Etrangères du Maroc.

"L'Italie a toujours maintenu inaltérable son droit consuetudinaire sans jamais en abuser. En effet, en examinant le chiffre de 108, auquel montent ses protégés, on trouvera qu'onze seulement sont protégés en vertu du droit consuetudinaire.

"Six sont d'anciens Vice-Consuls et Interprètes des Etats Italiens composant

actuellement le Royaume d'Italie. Le nombre de ceux qui ont rendu ainsi des services à l'Italie, est de six et non d'un seul (M. Moses Nahon) comme M. le Ministre des Affaires Etrangères du Maroc avait cru pouvoir l'affirmer dans la séance du 19 Juillet, 1879, des Conférences de Tanger.

"La veuve David Buzaglo et ses deux fils composent la famille d'un Agent Diplomatique Italien, et jouisse à ce titre de la protection.

"La veuve Isaac Toledano et huit autres personnes appartiennent à la famille de Joseph Toldano, Interprète de la Légation d'Italie, famille qui jusqu'à présent a joui de la protection héréditaire comme la famille Benchimol, protégée par la France.

"Trente-deux indigènes sont employés et domestiques de la Légation à Tanger et des Agents Consulaires au Maroc.

"Enfin, quarante-sept sont agents commerciaux ou censeurs, dont dix-huit seulement sont Musulmans. D'après mes informations ces agents commerciaux ont été choisis exclusivement dans les villes de la côte et de l'intérieur. Ils ne sont pas riches; parmi eux un seul est propriétaire aisé.

"Les protégés par droit consuetudinaire, qui sont au nombre de onze, et les six anciens employés, appartiennent à de riches maisons de commerce. Ainsi quatre d'entre eux ont versé aux Douanes du Sultan, en droits d'importation et d'exportation, et pendant les années 1877, 1878, et 1879, le somme de 1,500,000 fr.

"Le fait de cette protection accordée à des maisons riches et influentes aussi pour le commerce Italien, n'exclut pas une intervention éventuelle, collective, en faveur des familles qui se trouvent dans une position moins aisée.

"Depuis douze ans que le Ministre d'Italie actuel se trouve à Tanger, il n'a accordé en vertu du droit consuetudinaire qu'une seule protection, en faveur d'un pauvre batelier Marocain Musulman qui, au risque de sa vie, sauva celles de trois matelots Italiens.

"Maintenant que j'ai exposé les raisons de droit que conseillent à mon Gouvernement de conserver les protégés qu'il a actuellement au Maroc, ainsi que le droit consuetudinaire de protection, je donnerai les raisons de fait qui ne peuvent que confirmer mon Gouvernement dans cet ordre d'idées."

M. le Comte Greppi lit des extraits du discours prononcé par le Ministre de la Grande Bretagne, Doyen du Corps Diplomatique à Tanger, à l'occasion de l'ouverture des Conférences de 1879, Sir John Drummond Hay, dont les paroles sont d'ailleurs à la connaissance des Plénipotentiaires par les procès-verbaux de ces Conférences, à tracé un tableau sévère de l'état du Maroc.

Il rappelle que, dans la séance du 16 Avril, 1879, Sir John Drummond Hay proposait, dans le cas où le Gouvernement Marocain viendrait à manquer aux engagements précédemment pris par lui, de s'associer à ses collègues pour obliger le Gouvernement Shériffien à tenir ses promesses. Le Ministre d'Italie, en vue des éventualités prévues par ces paroles, trouvait plus sage pour l'Italie de garder ses protégés.

Sir John Drummond Hay a encore déclaré, dans son memorandum sur une conversation qu'il a eue avec le Révérend Mr. Löwy, que le Sultan Muley Hassan est homme juste et humain, mais qu'il n'a pas le pouvoir qu'il faudrait pour contenir ses sujets fanatiques, s'il essayait de mettre les Israélites sur le même pied que ses sujets Musulmans.

Il serait, en outre, dangereux que les Représentants des Puissances vinssent exercer une pression excessive ou faire des demandes péremptoires à ce propos, puisque le Sultan ne céderait que par la crainte des conséquences de son refus vis-à-vis des Gouvernements étrangers. Des concessions ainsi accordées n'auraient pour effet que de provoquer les excès du fanatisme Musulman.

Le Plénipotentiaire d'Italie reprend en ces termes :—

"Sans faire un tableau plus noir de la situation du Maroc, je crois que le Représentant Britannique à Tanger a dévoilé les véritables causes de la 'maladie' dont se plaint le Plénipotentiaire du Maroc. Il me semble qu'au lieu de demander à la Conférence le remède pour ces maux, on devrait chercher ce remède dans une réforme politique et administrative de son pays.

"Le Ministre de la Grande Bretagne à Tanger pense—et sa manière de voir paraît être partagée par quelques membres de La Conférence—qu'on doit tout concéder au Maroc pour qu'il marche sans entraves vers la civilisation. Ma conviction est qu'avant tout le Gouvernement Marocain doit établir la réforme politique nécessaire et la faire exécuter; une fois bien assise, elle mettrait les Puissances à même de venir au devant des désirs du Maroc.

"Au fond l'Italie veut la même chose, mais elle diffère sur le chemin à prendre pour arriver au but.

"Les onze protégés de l'Italie et les quelques autres des autres Puissances ne sauraient à la vérité entraver la marche franche et résolue du Maroc dans les voies indiquées du progrès.

"Le Gouvernement du Roi est sincèrement ami du Souverain éclairé qui règne au Maroc. L'Italie désire autant que toute autre Puissance que l'Empire du Sultan du Maroc soit fort, prospère, et indépendant. Elle connaît parfaitement les excellentes intentions de Sa Majesté Muley Hassan; malheureusement, le Gouvernement Marocain est faible, ses ordres ne sont pas obéis, le Gouvernement Italien ne saurait avoir entière confiance, et ne pourrait céder, qu'à la suite de réformes accomplies.

"Il était à croire que M. le Plénipotentiaire du Maroc, en se présentant à la Conférence, se trouverait à même d'annoncer la promulgation d'un Edit ou Hatti-Chérif qui aurait donné à ses sujets l'égalité devant la loi, sans distinction de religion, et aurait institué des Tribunaux Mixtes à l'instar de ce qui s'est fait en Turquie, et ceci avant d'exiger des Puissances étrangères l'acceptation des demandes présentées à la Conférence.

"Dans la Tunisie, qui est un Gouvernement relativement bien organisé, les Puissances étrangères maintiennent le droit de protection, et l'exercent sur une base beaucoup plus large qu'au Maroc; et si en Tunisie, où existent les Tribunaux Mixtes, on ne renonce pas au droit de protection, pouvons-nous y renoncer, au Maroc? Le Gouvernement Italien ne le croit pas.

"Remarquez bien, Messieurs, que ce que l'Italie demande à conserver, c'est le droit consuetudinaire sans abus, c'est-à-dire, la protection restreinte à quelques cas exceptionnels. Ce n'est ni l'Agent Consulaire ni le Vice-Consul, ni le Consul, ni le Ministre, qui doivent être les Juges de ce cas exceptionnel et qui doivent accorder la protection, mais seulement le Gouvernement du Roi. Voilà comment le Gouvernement Italien entend restreindre la protection.

"Jusqu'ici quelques Représentants des Puissances étrangères ont toléré que les Consuls, Vice-Consuls et Agents Consulaires accordassent de leur chef les protections, abus que la Légation d'Italie n'a jamais autorisé. Toutes les fois que quelques agents subalternes se permettaient de le faire, malgré les ordres du contraire, ces protégés étaient immédiatement privés de leur qualité; une première fois l'Agent Consulaire était sévèrement réprimandé, en cas de récidive il était destitué.

"On a bien prétendu que les populations des villes du littoral sont aujourd'hui moins exposées que par le passé à des vexations par les autorités locales; mais de tout temps ces populations ont été plus épargnées que celles de l'intérieur, car les populations des villes de la côte se trouvent sous les yeux des Agents Consulaires.

"Je suis obligé, malgré moi, de vous dire la vérité sur l'état du Maroc pour vous persuader que le temps n'est pas encore arrivé de renoncer aux droits que je défends; je ne puis d'un autre côté mieux vous prouver, Messieurs, le bon vouloir de mon Gouvernement envers le Maroc, qu'en vous priant de lire les procès-verbaux des séances qui ont eu lieu à Tanger en 1877 et 1879. Vous verrez par ces documents que le Ministre d'Italie n'a jamais cessé de défendre les intérêts du Gouvernement Shériffien, tout en soutenant les droits que l'Italie entend conserver.

"Aucune des Puissances qui sont représentées au Maroc ne saurait voir avec indifférence aux portes de l'Europe un vaste et riche Empire restant étranger au mouvement général de la civilisation.

"Si le Gouvernement Italien ne peut céder sur les deux points en question pour les raisons que j'ai longuement exposées, il serait cependant heureux si la Conférence trouvait un moyen tout-à-fait efficace pour empêcher à l'avenir le renouvellement des abus, de quelque côté qu'ils se présentent.

"Pour ce qui concerne les abus de protection le Ministre d'Italie au Maroc a proposé dans la séance des Conférences de Tanger du 16 Avril, 1879, un moyen que vous connaissez, savoir: que le droit de protection sera exercé à l'avenir dans des cas exceptionnels et avec l'approbation du Gouvernement. Si la Conférence trouve que ces garanties ne répondent pas d'une manière efficace au but qu'on a en vue d'éviter les abus, je suis prêt à me joindre aux Plénipotentiaires, mes collègues, pour chercher la manière de compléter ces garanties, à la condition, bien entendu, que le principe du droit consuetudinaire de protection, tel qu'il est envisagé par l'Italie, soit maintenu.

"Je suis également disposé à m'associer à vous, Messieurs, pour chercher un

moyen de rendre impossibles à l'avenir les protections officieuses qui, aujourd'hui encore, sont tolérées par certaines autorités locales. Ces protections, qui sont assez nombreuses, sont plus dangereuses pour le Maroc que ne le sont les protections réelles, et entravent l'action légale des Représentants qui combattent ces abus.

"Je ne puis que répéter que le Gouvernement du Roi ne veut rien faire, comme il n'a rien fait par le passé, qui puisse mettre obstacle à la prospérité, à la force, et à l'indépendance du Maroc: mais il entend garder tout ce que les droits de l'Italie et les intérêts de l'humanité et de la justice lui commandent de conserver.

"En résumé, le Gouvernement du Roi croit devoir garder cette catégorie de protégés que le Plénipotentiaire du Maroc a désigné d'une manière erronée comme irrégulière; ce n'est, d'ailleurs, que la conséquence du principe de non-rétroactivité. Le Gouvernement Italien tient aussi à conserver le droit consuetudinaire de protection, mais il ne l'accordera que dans des cas tout-à-fait exceptionnels. En vue d'éloigner tout soupçon même d'abus éventuels, le Gouvernement du Roi se réserve, sur chaque proposition qui lui sera faite par son Représentant à Tanger, d'accorder la protection ou de la refuser.

"Je prie MM. les Plénipotentiaires de prendre en sérieux examen les considérations que j'ai eu l'honneur d'exposer, et je voudrais pouvoir compter sur leur concours bienveillant pour obtenir un résultat conforme aux vues de l'Italie dans cette question. Pour atteindre ce but j'ai confiance également dans l'esprit, conciliant et éclairé en même temps, du digne Représentant parmi nous de Sa Majesté Shériffienne, dont les principes de justice et de moralité lui ont valu l'estime du Corps Diplomatique au Maroc, et les vives sympathies des membres de la Conférence."

Le Président, donnant acte au Plénipotentiaire d'Italie de ses déclarations, doit néanmoins faire observer qu'elles paraissent conçues dans un esprit autre que celui qui a présidé jusqu'en ce moment aux travaux de la Conférence. Les Plénipotentiaires ont constamment fait, en effet, œuvre de définition, en déterminant le nombre et les qualités des protégés. Le droit consuetudinaire dont le Plénipotentiaire d'Italie réclame l'exercice, serait, s'il n'y était apporté de restrictions, la négation même de ce principe. Quelle que soit la modération avec laquelle ce droit a été exercé dans le passé et le sera à l'avenir, il n'en devra pas moins, s'il est confirmé à l'Italie, être acquis dorénavant à toutes les autres Puissances. Or, que deviendraient, en présence de droits de cette nature, les dispositions limitatives que la Conférence vient d'adopter?

Le Président est persuadé que la discussion permettra de concilier les prétentions opposées des Plénipotentiaires de l'Italie et du Maroc. Il remarque que la proposition Italienne tendrait à créer une troisième catégorie de protégés. Cependant, le droit qu'elle réclame paraît n'avoir été exercé qu'une seule fois depuis douze ans.

Tout dépendrait donc de l'extension que l'Italie entend donner au principe: le droit de protection qu'on invoque ne pourrait être admis sans restrictions par la Conférence; il semble par contre, que l'on pourrait reconnaître le principe dans les limites du fait constaté.

Il demande au Comte Greppi s'il serait disposé à entrer en discussion sur une base qui restreindrait à l'avenir le droit consuetudinaire de protection à des cas absolument exceptionnels, comme ceux qui ont motivé son exercice dans le passé.

Sur la réponse affirmative du Plénipotentiaire d'Italie, la Conférence ajourne la discussion au Samedi, 26 Juin.

La séance est levée à 3 heures.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURES.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

No. 188.

Mr. West to Earl Granville.—(Received July 5.)

(No. 173.)

My Lord,

Madrid, July 1, 1880.

I HAVE the honour to inform your Lordship that the fifteenth meeting of the Conference was held yesterday, when a compromise as regards the XVth Article of the "Projet de Convention" was proposed by the President and accepted by the Moorish Plenipotentiary.

It was agreed that the exceptional cases of irregular protection, instead of being limited to three, should be fixed at twelve for each Power. The Italian Plenipotentiary not having received final instructions, the Conference adjourned till to-morrow.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

No. 189.

Mr. West to Earl Granville.—(Received July 5.)

(No. 174.)

My Lord,

Madrid, July 1, 1880.

I HAVE the honour to transmit to your Lordship herewith draft copies of Protocols Nos. 12 and 13 of the sittings of the Conference on the affairs of Morocco of the 26th and 28th ultimos.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

Inclosure 1 in No. 189.

Protocole No. 12.—Séance du 26 Juin, 1880.

Étaient présents:

M. le Plénipotentiaire d'Allemagne,	
" d'Autriche-Hongrie,	
" de Belgique,	
" d'Espagne,	
" des États-Unis d'Amérique,	
" de France,	
" de la Grande Bretagne et Danemark,	
" d'Italie,	
" du Maroc,	
" des Pays-Bas,	
" du Portugal, et	
" de la Suède et Norvège.	

LA séance est ouverte à 1 heure.

Le procès-verbal de la séance antérieure est lu et approuvé, après que M. le Plénipotentiaire du Maroc ait pris la parole, pour répondre au discours prononcé par M. le Plénipotentiaire d'Italie dans la séance du 24 Juin.

Tout en observant qu'il lui serait difficile de suivre, dans sa partie historique, l'argumentation de son Excellence le Comte Greppi et d'y répondre sur-le-champ, sans autres documents que ceux dont il dispose, Sid Mohammed Vargas croit devoir relever tout au moins la contradiction qu'implique la mention des Traités conclus depuis le dixième siècle entre les Emirs du Maroc et les États Italiens, alors qu'il s'agit de l'exercice du droit de protection. Ce droit, en effet, et la protection elle-même, dans l'acception réelle et usuelle de ce terme, ne saurait se confondre avec les demandes, les recommandations souvent accompagnées du paiement d'une rançon annuelle, qu'adressaient autrefois aux Souverains du Maroc les États Italiens. L'erreur de son Excellence le Comte Greppi est plus grande encore lorsqu'il cite, à l'appui de son argument, des Traités qui, non-seulement n'ont pas établi de protection au Maroc, mais qui ont laissé les sujets étrangers soumis à la juridiction Marocaine.

"Le Maroc," a dit encore le Plénipotentiaire d'Italie, "a reconnu et sanctionné le droit coutumier de protection en exécutant les Arrêts que les Tribunaux Corgu-

lares ont prononcé contre des sujets du Sultan en faveur de ses sujets protégés en vertu de ce droit." Or, au Maroc, tout litige est porté devant le Tribunal de la nationalité du défendeur; il semble donc étrange que l'autorité Marocaine ait eu à "exécuter les Arrêts des Tribunaux Consulaires;" Sid Mohammed Vargas répondrait, en tout cas, que l'exigence de la force n'a jamais été considérée comme un argument irréfutable contre le droit du faible.

Quant aux protégés Italiens que M. le Comte Greppi a bien voulu énumérer, le Plénipotentiaire du Maroc se bornera à en noter le nombre et les conditions, afin de pouvoir établir au besoin, et par l'aveu même du Plénipotentiaire d'Italie, combien a été rare et difficile l'usage du droit "coutumier" qu'on prétend maintenir, puisque pendant douze ans l'Italie n'a accordé qu'une seule protection en vertu de ce droit, et celle-là par les motifs tout exceptionnels que l'on a rappelés.

Parmi les paroles attribuées au Représentant de la Grande Bretagne à Tanger, il y en a que Sid Mohammed Vargas n'a pas trouvées dans le texte qui lui a été communiqué des procès-verbaux, et d'autres citées isolément, dont le sens lui semble mal interprété. Le Ministre des Affaires Etrangères du Sultan n'a pas connu davantage la conversation de Sir John Drummond Hay avec le Révérend Mr. Löwy. Il aurait, sans cela, protesté contre ces appréciations.

Le Plénipotentiaire du Maroc termine en exprimant sa conviction que les Plénipotentiaires, en possession des faits, apprécient les raisons qui ont rendu nécessaires et qui justifient sa demande, qu'il doit maintenir; il espère encore que le Comte Greppi voudra s'unir à ses collègues pour en reconnaître la justice.

Sur la reprise de la discussion des questions relatives à la protection irrégulière, le Président annonce qu'il croit pouvoir soumettre aux Plénipotentiaires de l'Italie et du Maroc le Projet d'Article suivant, qui serait accepté par tous les Plénipotentiaires:—

"Aucune protection irrégulière ne pourra être accordée à l'avenir. Cependant l'exercice du droit consuetudinaire de protection sera exceptionnellement réservé au seul cas où il s'agirait de récompenser des services éclatants rendus à un Gouvernement étranger par un Marocain. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance."

Sur des observations successivement présentées par les Plénipotentiaires de l'Italie et du Maroc, et par le Plénipotentiaire du Portugal, qui demande qu'il soit établi que la situation des personnes jouissant d'une protection irrégulière antérieurement obtenue, soit assimilée pour l'avenir à celle des autres protégés, l'Article proposé est modifié ainsi qu'il suit:—

"Aucune protection irrégulière ne pourra être accordée à l'avenir.

"Cependant l'exercice du droit consuetudinaire de protection sera réservé au seul cas où il s'agirait de récompenser des services éclatants rendus par un Marocain à une Puissance étrangère, pour d'autres motifs, tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger, afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance.

"La situation des protégés qui ont obtenu la protection en vertu d'usages désormais réglés par les dispositions qui précèdent, sera, pour eux et pour leurs familles, identique à celle établie pour les autres protégés."

Le Plénipotentiaire du Maroc déclare accepter l'Article en ces termes, et la Conférence l'adopte provisoirement, sous la réserve, pour le Plénipotentiaire d'Italie, de consulter son Gouvernement.

Le Président rappelle que M. le Plénipotentiaire des Etats-Unis avait annoncé qu'il soumettrait à la Conférence des propositions visant la situation des individus auxquels la protection viendrait à être retirée. La Conférence n'ayant pas admis d'effet rétroactif pour ses décisions, les propositions en question ne deviendraient pas applicables.

Le Général Fairchild, reconnaissant que son Projet supposait une révision des listes de protection, déclare le retirer du moment où la Conférence a repoussé le principe de la rétroactivité.

Le Plénipotentiaire du Maroc demande qu'il soit entendu que toutes les personnes qui seraient abusivement protégées, en sus du nombre et en dehors des conditions déterminées par les Traités, le Règlement de 1863, et les dispositions adoptées par la Conférence, seront rayées des listes de protection.

Ainsi entendu par les Plénipotentiaires.

Le Président observe que la Conférence ayant accompli, et au delà, la tâche qu'elle s'était proposée, est à la veille de se dissoudre. Mais il doit porter à la connaissance de ses membres, avant qu'ils ne se séparent, une communication importante qui a été adressée par le Saint-Siège au Gouvernement de Sa Majesté Catholique.

M. Cánovas del Castillo donne lecture de la traduction suivante d'une lettre, en date du 4 Mai, 1880, qu'il a reçue de son Eminence le Cardinal Nina:—

"Excellence,

"Le Saint-Père, obéissant aux devoirs de sa mission Apostolique, ne peut que mettre à profit toutes les occasions qui se présentent de veiller aux intérêts du Catholicisme, sur n'importe quel point du globe. Ayant appris que dans le courant de ce mois un Congrès Diplomatique doit se réunir sous votre Présidence pour s'occuper des affaires du Maroc, Sa Sainteté, tout en reconnaissant que parmi les questions qui seront soumises à la délibération de la Conférence, celle qui se rapporte à la liberté religieuse dans l'Empire Marocain n'a pas été particulièrement désignée, croit cependant que rien n'interdirait aux Plénipotentiaires réunis à Madrid de porter leur attention sur un sujet si important pour le bien-être des habitants du Maroc, quand même il ne serait considéré qu'au point de vue matériel.

"Il n'est point douteux que, de même qu'au dernier Congrès de Berlin, les appels faits par mon illustre prédécesseur, le Cardinal Franchi, aux Représentants de la France et de l'Autriche, MM. Waddington et Andrassy, eurent pour résultat de faire accueillir et voter, avec l'approbation générale, les demandes de Sa Sainteté relatives à l'exercice de la religion Catholique par les sujets de la Sublime Porte et des Etats qui l'avoisinent, de même la proposition que je fais en ce moment trouvera un accueil non moins favorable de la part des dignes Représentants à la veille de se réunir dans la capitale d'une nation si dévouée au Saint-Siège, et liée par tant d'intérêts à l'Empire du Maroc. D'autre part, il n'est pas permis de présumer que le Gouvernement Marocain, uni par un lien si étroit au Représentant suprême de l'Islamisme, puisse se refuser à suivre l'exemple qui lui a été offert par l'adhésion de l'Empereur des Ottomans aux Articles stipulés dans le Congrès de Berlin; lorsque la Conférence qui va se réunir lui proposera d'adopter une résolution analogue.

"Obéissant à ces considérations, le Saint-Père m'a chargé de m'adresser à votre Excellence, digne Président de l'Assemblée, et de faire appel en son nom Pontifical à ses sentiments comme Catholique et comme Espagnol, afin qu'elle veuille bien se charger de proposer et de défendre au sein du Congrès la proposition sus-indiquée, qui porte que les sujets du Sultan, ainsi que les étrangers, jouiront au Maroc du libre exercice du culte Catholique, sans que par ce motif ils aient à souffrir tort ou préjudice dans leurs droits civils ou politiques.

"Le Saint-Père ne méconnaît point les obstacles qu'oppose l'état actuel du Maroc à la réalisation de cette liberté; mais ces obstacles, loin de décourager, doivent stimuler les cœurs généreux qui n'envisagent que la grandeur de but à atteindre.

"Du reste, une fois que le Gouvernement Marocain aura accepté le principe en question et pris vis-à-vis des Puissances étrangères l'engagement de s'y conformer, si ces Puissances, d'accord avec l'Espagne, dont les relations avec le Maroc présentent un caractère tout spécial, voulaient prendre une attitude semblable à celle qu'elles ont adoptée en Orient, on pourrait avec raison espérer que les progrès de la civilisation amèneraient bientôt, par des voies pacifiques, le libre exercice du culte Catholique dans ces régions de l'Afrique.

"En me conformant aux ordres de l'auguste Pontife, je dois en même temps vous faire savoir que le Saint-Père est animé d'une conviction intime que vous répondrez à son appel paternel, et que les Représentants des autres Puissances seconderont vos efforts, en accueillant avec faveur une demande conforme aux principes aujourd'hui admis du droit public international.

"Le Saint-Père croit également qu'en agissant ainsi votre Excellence répondra

aux sentiments bien connus de Sa Majesté le Roi, son auguste Souverain, en faveur de notre Sainte Religion.

"Je saisis avec empressement cette occasion, &c.,

(Signé)

"L. CARD. NINA."

M. Cánovas del Castillo a eu l'honneur de répondre à Monseigneur le Nonce Apostolique à Madrid, avec lequel il s'est entretenu à ce sujet, que le Plénipotentiaire d'Espagne était prêt à présenter et à appuyer au sein de la Conférence la proposition du Saint-Siège, aussitôt qu'il serait avéré que les Représentants des autres Puissances pourraient consentir à traiter des questions en dehors de celles qui avaient motivé leur réunion; il devrait, en particulier, consulter son collègue le Représentant de la Grande Bretagne, dont le Gouvernement qui a pris l'initiative de la Convocation des Plénipotentiaires, sur l'opportunité qu'il y aurait à saisir la Conférence de cette question. M. Cánovas a ajouté que, si la Conférence admettait en principe la possibilité de traiter des questions étrangères au but déterminé qu'elle s'était proposé, le Plénipotentiaire d'Espagne tiendrait à honneur de remplir la mission que le Saint-Siège daignait lui confier, et qu'il était persuadé que la communication du Saint-Père serait accueillie, en ce cas, avec toute la déférence due à sa haute origine.

Il a rappelé en même temps que le Traité de 1861 assure la liberté religieuse aux Catholiques Espagnols au Maroc, et que d'autre part le Traité Anglais de 1857 stipulait également, pour les sujets Britanniques, le libre exercice de leur culte.

Ayant acquis la conviction que les Plénipotentiaires sont disposés à examiner cette question, le Président estime que la Conférence devra faire une déclaration érigeant en règle générale le principe que le Maroc a déjà admis par ses Traités.

Le Plénipotentiaire d'Autriche-Hongrie prend alors la parole et dit que le Gouvernement de Sa Majesté Impériale et Royale Apostolique, à la suite d'une démarche analogue du Saint-Siège, a pu s'assurer, de son côté, que les autres Cabinets seraient, en effet, disposés à se joindre à un vœu comme celui dont vient de prendre l'initiative le Président de la Conférence, pourvu que ce vœu fût exprimé en faveur de tous les habitants non-Musulmans du Maroc, et que la Conférence recommandât en même temps à la sagesse du Sultan du Maroc l'abolition des incapacités qui pèsent encore sur certaines classes de ses sujets en raison de leurs croyances.

C'est dans ce sens, et pour donner une forme plus précise à ce vœu, que M. le Comte Ludolf a été chargé de préparer le Projet d'adresse au Souverain du Maroc, qu'il a l'honneur de soumettre à la Conférence.

Le Plénipotentiaire d'Autriche-Hongrie donne lecture du document en ces termes :—

"La Conférence, au moment de se dissoudre, informée par son Président de la demande exprimée en faveur de l'Eglise Catholique par Sa Sainteté le Souverain Pontife, s'empresse de s'y associer. Mais la Conférence, qui doit également avoir en vue l'intérêt des autres religions, demande que le libre exercice de tous les cultes soit reconnu au Maroc.

"La Conférence est d'autant plus convaincue que ce vœu trouvera un accueil favorable auprès de Sa Majesté Shériffienne, que l'illustre Souverain du Maroc a déjà donné une preuve manifeste de sa tolérance et de sa sollicitude pour le bien-être de ses sujets non-Musulmans, en confirmant en 1874 le Décret accordé par Sa Majesté le Sultan Sidi Mohammed, sous le 26 Chaban de 1280 (Février 1864), à Sir Moses Montefiore, Décret qui proclame que tous les sujets de l'Empire du Maroc doivent avoir le même rang devant la loi; que par conséquent les Juifs au Maroc doivent être traités conformément à la justice et à l'équité, et qu'aucune violence ne doit être exercée à l'égard de leurs personnes ni de leurs biens.

"A la suite de ce Décret, bien des lois humiliantes édictées contre les non-Musulmans dans des temps antérieurs ont été mis hors de pratique, et le sort des races non-Musulmanes au Maroc est devenu plus supportable.

"Toutefois, ces lois ne sont pas encore toutes formellement révoquées, et quelques-unes même continuent à être en vigueur dans plus d'un endroit de l'intérieur de l'Empire. De même, le libre exercice de leurs cultes n'est pas encore accordé d'une manière légale aux sujets non-Musulmans de Sa Majesté Shériffienne, et beaucoup des restrictions existent encore pour ces derniers qui sont contraires à l'esprit du Décret du 26 Chaban, 1280, et à cette règle si élémentaire et si univer-

sellement respectée, que les sujets d'un même pays, de quelque race ou de quelque religion qu'ils soient, dès qu'ils accomplissent fidèlement leurs devoirs envers le Souverain, doivent jouir d'une parfaite identité de droits et d'une complète égalité devant la loi.

"Le Sultan Abdul-Medjid, Empereur des Ottomans, a déjà, en 1839, par le Hatti-Chérif de Gulhané, reconnu spontanément, et inscrit dans la législation de son pays ce même principe, qui a été développé et consacré depuis par ses successeurs en 1856, et dernièrement encore en 1878, de façon qu'on ne saurait douter qu'il ne se laisse parfaitement concilier avec la loi Mahométane.

"Quoique persuadée que l'illustre Souverain du Maroc est animé, non moins que le Sultan de la Turquie, d'intentions bienveillantes envers ses sujets non-Musulmans, la Conférence croirait manquer à un devoir si elle ne témoignait le vif et profond intérêt qu'elle prend à la prompte amélioration de leur sort. A cet effet, la Conférence, au nom des Hautes Puissances représentées dans son sein, fait appel à Sa Majesté Shériffienne afin que, fidèle à ses sentiments de justice et de générosité, elle manifeste sa ferme volonté :—

"1. De faire respecter dans ses Etats le principe que tous ceux qui y habitent, et qui y habiteront à l'avenir pourront professer et exercer sans entraves leurs cultes.

"2. De prescrire à son Gouvernement, comme base immuable de la législation du Maroc, la maxime déjà adoptée dans le Décret du 26 Chaban, 1280, et d'après laquelle, ni la religion, ni la race ne pourront jamais être un motif pour établir une différence dans le traitement par et devant la loi entre ses sujets Musulmans et non-Musulmans, ni servir de prétexte pour imposer à ces derniers des humiliations, pour les priver d'un droit civil quelconque, ou pour les empêcher d'exercer librement toutes les professions et industries qui sont permises aux sujets Musulmans de l'Empire.

"Une pareille manifestation non-seulement honorerait le règne de Sa Majesté Shériffienne, mais inaugurerait aussi pour ses Etats une ère nouvelle de prospérité.

"Les Soussignés, en déposant le présent Acte entre les mains de son Excellence Sid Mohammed Vargas, prient M. le Plénipotentiaire du Maroc de le soumettre à Sa Majesté Shériffienne, qui ne lui refusera certes pas la sérieuse attention que mérite un vœu exprimé au nom des Puissances que les Soussignés ont l'honneur de représenter.

"Madrid, le 26 Juin, 1880."

Ce texte est approuvé par les Plénipotentiaires, à l'exception du Représentant de Sa Majesté Shériffienne, qui ne peut que s'engager à porter à la connaissance de son Souverain les vœux que les Plénipotentiaires viennent d'exprimer au nom de leurs Gouvernements respectifs.

Sid Mohammed Vargas croit cependant devoir rappeler qu'au Maroc les Musulmans, les Chrétiens, et les Juifs jouissent d'une même liberté en matière religieuse, sans qu'il soit mis d'empêchement ni obstacle à aucun culte.

Le Plénipotentiaire du Maroc n'a pas d'instructions de son Souverain qui lui permettent de traiter cette question ou toute autre qui, comme elle, ne se rattacherait pas directement à l'objet de sa mission à Madrid. Néanmoins, en vue de l'adresse que vient d'adopter la Conférence, il croit devoir lui communiquer une lettre qu'il a reçue de Sa Majesté le Sultan Muley el Hassan, et qui a trait aux Juifs ses sujets. Il en donne lecture en ces termes :

"Louange à Dieu unique! Que la bénédiction de Dieu soit sur Mahomet, notre Seigneur et Maître, sur sa famille, et ses compagnons!

"A notre estimé serviteur, le Taleb Mohammed Vargas. Que Dieu te soit propice, et la paix soit sur toi, ainsi que la bénédiction de Dieu Très-Haut et sa miséricorde.

"Et puis :

"Il est parvenu à notre connaissance que certains Juifs de nos sujets, se sont plaints à plusieurs reprises à leurs frères résidants en Europe et aux Représentants étrangers à Tanger, de ce qu'ils ne parviennent pas à obtenir justice dans leurs réclamations relatives à meurtres, vols, &c. Ils prétendent que les Gouverneurs montrent de l'indifférence à leur faire avoir satisfaction des personnes qui les attaquent, et que leurs demandes n'arrivent jamais à notre Majesté Shériffienne, si ce n'est par l'entremise de ces personnes (les Juifs résidant en Europe et les Représentants étrangers).

" Notre volonté Shériffienne est qu'ils obtiennent justice sans intervention des Puissances ni des Représentants, parce qu'ils sont nos sujets et nos tributaires, ayant par-là les mêmes droits que les Musulmans devant nous, et tout abus contre eux étant défendu par notre religion.

" C'est pourquoi nous t'ordonnons d'accepter la réclamation de tout Juif qui se plaindra de ne pas obtenir justice d'un Gouverneur, et de nous en donner connaissance lorsque tu ne trouveras pas le moyen d'y faire droit.

" Nous avons envoyé des ordres en ce sens aux Gouverneurs des villes, des ports, et de la campagne, afin qu'ils en donnent connaissance aux Juifs, et en même temps nous les avons prévenus que si quelqu'un d'eux s'oppose ou met des difficultés à ce que la plainte d'un Juif parvienne à toi, nous le punirons très-sévèrement.

" Nous t'ordonnons de traiter leurs affaires avec toute justice et de ne rien nous cacher sur l'arbitraire des Gouverneurs à leur égard, car tous les hommes sont égaux pour nous en matière de justice.

" Le 22 Joumadi Premier, an 1297."

Le Président, donnant acte au Représentant du Maroc de cette communication, constate, au nom de tous les Plénipotentiaires, la vive satisfaction avec laquelle la Conférence accueille les déclarations qui viennent de lui être faites. Les Plénipotentiaires voient dans le principe, quelles établissent, d'un appel au Ministre des Affaires Etrangères, à la fois une preuve des sentiments de justice qui animent Sa Majesté Shériffienne à l'égard de ses sujets Israélites, et l'annonce du prompt accomplissement des vœux exprimés par la Conférence.

Le Président annonce à la Conférence qu'il a reçu du Gouvernement de Sa Majesté l'Empereur du Brésil une réponse à l'invitation qui lui a été adressée, en même temps qu'aux autres Puissances, de prendre part à la Conférence.

Le Gouvernement Impérial, par des motifs indépendants de sa volonté, n'a pu se faire représenter à Madrid en temps utile; mais il est disposé à adhérer, en temps opportun et dans la mesure du possible, aux décisions qui auraient été prises en commun par les Plénipotentiaires.

La Conférence s'ajourne au Lundi, 28 Juin.

La séance est levée à 3 heures.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 2 in No. 189.

Protocole No. 13.—Séance du 28 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
" d'Autriche-Hongrie,
" de Belgique,
" d'Espagne,
" des États-Unis d'Amérique,
" de France,
" de la Grande Bretagne et Danemark,
" d'Italie,
" du Maroc,
" des Pays-Bas,
" du Portugal, et
" de la Suède et Norvège.

LA séance est ouverte à 1 heure.

Le procès-verbal de la séance antérieure est lu et approuvé.

M. le Plénipotentiaire d'Italie ne se trouvant pas encore autorisé à accepter la rédaction suggérée pour l'Article relatif à la protection irrégulière, le Président propose de revoir la rédaction des Articles déjà votés, et de prendre connaissance d'un Projet préparé par les Secrétaires, qui coordonne et groupe les Articles.

Cette proposition étant acceptée, le Projet de Convention suivant est adopté, après un examen attentif de chaque Article, et à l'exception des Articles XVI et XVIII, réservés :

Projet de Convention.

Les Hautes Parties Contractantes ayant reconnu la nécessité d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence qui s'est réunie à cet effet à Madrid, savoir, &c. : lesquels, en vertu de leurs pleins pouvoirs, reconnus en bonne et due forme, ont arrêté les dispositions suivantes :

ARTICLE I.

Les conditions dans lesquelles la protection peut être accordée sont celles qui sont stipulées dans les Traités Britannique et Espagnol avec le Gouvernement Marocain et dans la Convention survenue entre ce Gouvernement, la France et d'autres Puissances en 1863, sauf les modifications qui y sont apportées par la présente Convention.

ARTICLE II.

Les Représentants étrangers Chefs de Mission, pourront choisir leurs interprètes et employés parmi les sujets Marocains ou autres.

Ces protégés ne seront soumis à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

ARTICLE III.

Les Consuls, Vice-Consuls, ou Agents Consulaires Chefs de Poste qui résident dans les États du Sultan du Maroc, ne pourront choisir qu'un interprète, un soldat, et deux domestiques parmi les sujets du Sultan, à moins qu'ils n'aient besoin d'un Secrétaire indigène.

Ces protégés ne seront soumis non plus à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

ARTICLE IV.

Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans une ville de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui-même, ne sera soumise à aucun droit, impôt, ou taxe quelconque en dehors de ce qui est stipulé aux Articles XII et

XIII ; mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

Il pourra toutefois, pour l'exercice de ses fonctions, avoir un soldat protégé.

Les Gérants des Vice-Consulats, sujets du Sultan, jouiront, pendant l'exercice de leurs fonctions, des mêmes droits que les Agents Consulaires sujets du Sultan.

ARTICLE V.

Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit qui leur est accordé par les Traités de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leur Gouvernement, à moins toutefois que ce ne soient des Cheiks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

Il reste entendu que les procès civils engagés avant la protection se termineront devant les Tribunaux qui en auront entamé la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

Quant aux ex-protégés qui auraient un procès commencé avant que la protection ait cessé pour eux, leur affaire sera jugée par le Tribunal qui en était saisi.

Le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays et qu'elles n'aient, s'il y a lieu, accompli leur peine.

ARTICLE VI.

La protection s'étend sur la famille du protégé. Sa demeure est respectée.

Il est entendu que la famille ne se compose que de la femme, des enfants, et des mineurs qui habitent sous le même toit.

La protection n'est pas héréditaire. Une seule exception, déjà établie par la Convention de 1863, et qui ne saurait créer un précédent, est maintenue en faveur de la famille Benchimol.

Cependant, si le Sultan du Maroc accordait une autre exception, chacune des Puissances Contractantes aurait le droit de réclamer une concession semblable.

ARTICLE VII.

Les Représentants étrangers informeront par écrit le Ministre des Affaires Etrangères du Sultan du choix qu'ils auront fait d'un employé.

Ils communiqueront chaque année au dit Ministre une liste nominative des personnes qu'ils protègent ou qui sont protégés par leurs Agents dans les Etats du Sultan du Maroc.

Cette liste sera transmise aux autorités locales, qui ne considéreront comme protégés que ceux qui y sont inscrits.

ARTICLE VIII.

Les Agents Consulaires remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Etrangères, afin que si elle n'est pas conforme aux Règlements, les Représentants à Tanger en soient informés.

L'Officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat.

ARTICLE IX.

Les domestiques, fermiers, et autres employés indigènes des secrétaires et interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois, les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation, d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser, ou à violer son domicile, il serait immédiatement arrêté, mais l'autorité Diplomatique ou Consulaire sous laquelle il est placé serait avertie sans retard.

ARTICLE X.

Il n'est rien changé à la situation des censaux telle qu'elle a été établie par les Traités et par la Convention de 1863, sauf ce qui est stipulé, relativement aux impôts, dans les Articles suivants :—

ARTICLE XI.

Le droit de propriété au Maroc est reconnu pour tous les étrangers.

L'achat de propriétés devra être effectué avec le consentement préalable du Gouvernement, et les titres de ces propriétés seront soumis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Etrangères, stipulé dans les Traités.

ARTICLE XII.

Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shérifienne.

ARTICLE XIII.

Les étrangers, les protégés, et les censaux propriétaires de bêtes de somme paieront la taxe dite des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shérifienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

ARTICLE XIV.

La médiation des interprètes, secrétaires indigènes ou soldats des différentes Légations ou Consulats, lorsqu'il s'agira de personnes non placées sous la protection de la Légation ou du Consulat, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

ARTICLE XV.

Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc, à moins qu'ils ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque pays, leur est maintenue pour tous ses effets, sans restriction aucune.

ARTICLE XVI.

Aucune protection irrégulière ne pourra être accordée à l'avenir.

Cependant, l'exercice du droit consuetudinaire de protection sera réservé au seul cas où il s'agirait de récompenser des services éclatants rendus par un Marocain à

une Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance.

La situation des protégés qui ont obtenu la protection en vertu d'usages désormais réglés par les dispositions qui précèdent, sera, pour eux et pour leurs familles, identique à celle établie pour les autres protégés.

ARTICLE XVII.

Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence de Madrid.

ARTICLE XVIII.

Sous réserve de la ratification ultérieure, les dispositions de la présente Convention seront mises en vigueur à partir du jour de la signature.

Les ratifications seront échangées à Tanger dans le plus bref délai possible.

En foi de quoi, &c.

Madrid, le

La séance est ensuite levée, et la Conférence s'ajourne à la convocation de son Président.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

No. 190.

Mr. West to Earl Granville.—(Received July 6.)

(No. 179.)

My Lord,

Madrid, July 3, 1880.

I HAVE the honour to inform your Lordship that the sixteenth meeting of the Conference was held yesterday, when Article XVI of the Projet de Convention, as it stands in Protocol No. 14 was accepted by the Moorish and Italian Plenipotentiaries, the substitution in it of the number 12 for 3 being insisted on by the Italian Government.

Some other verbal alterations were subsequently agreed to, and the Conference adjourned till to-day, when at its seventeenth meeting the Convention was signed by all the Plenipotentiaries.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 191.

Mr. West to Earl Granville.—(Received July 6.)

(No. 180.)

My Lord,

Madrid, July 3, 1880.

AFTER the conclusion of the Conference this day and the signature of the Convention the President handed to the Moorish Plenipotentiary the Declaration respecting religious liberty submitted by the Austro-Hungarian Plenipotentiary and signed by the other Plenipotentiaries.

I have, &c.

(Signed)

L. S. SACKVILLE WEST.

No. 192.

Mr. West to Earl Granville.—(Received July 7.)

(No. 181. Confidential.)

My Lord,

Madrid, July 4, 1880.

ALTHOUGH the Convention signed yesterday by the Plenipotentiaries of the Powers represented in the Conference on the affairs of Morocco may not be as advantageous to that country in some respects as could be desired, still the Government of the Sultan has gained by it a European position which, if judiciously improved, cannot but tend to an amelioration of its external relations, and consequently to the extension of the trade and commerce of the country. At the same time, however, a danger to the existence of the Sultan's Government is to be apprehended from the possible future attitude of the Governments of France and Italy towards it, and in support of this opinion I would beg to call your Lordship's attention to the language of the French and Italian Plenipotentiaries as recorded in the several Protocols of the Conference, and more especially to the conduct of the latter in the course of its last proceedings, and to point out that the policy of their respective Governments in dealing with the affairs of Morocco has thus been made manifest. The susceptibility of the French Plenipotentiary as regards the maintenance of the so-called Convention of 1863 clearly indicated that the French Government was not satisfied with the stipulations of the English and Spanish Treaties, but was desirous of perpetuating, if possible, a separate act which would entitle it more or less to interfere in the internal affairs of Morocco in a manner which at any moment might seriously compromise the authority of the Sultan in his own dominions, and thus call for active interference as necessary to protect French commercial interests. By gradually depriving the Sultan of the means of maintaining order to which the system of granting protection to native agents in the interior of the country tends, it is easy to see that disturbances among the tribes on the Algerian frontier may be made the excuse for rectifying that frontier, which means nothing more nor less than the absorption of a certain portion of the Sultan's territory. The Italian Plenipotentiary was not slow in supporting his French colleague, and surpassed him even by the nature of his pretensions to the maintenance of the right of irregular protection, for the abolition of which the Conference had been avowedly assembled. His refusal at the last moment to assent to the unanimous decision of the Conference, that the right of granting irregular protection to Moorish subjects in exceptional cases should be limited to three, for each Power clearly shows that the Italian Government, notwithstanding its declarations to the contrary, are also determined not to relinquish a system which by permitting of the same interference in the internal affairs of the country alone enables its Representative at Tangiers to assume a position of importance which otherwise he would not have. The declaration of the Italian Government, that to limit the right of acquiring protection to three cases would be illusory, but that nevertheless they had instructed the Italian Minister "to come to an understanding with his colleagues," seems inconsistent with the course pursued by him here, for he has come to the understanding that in order to render Article XVI of the Convention acceptable to his Government, the limit must be increased to twelve cases. This scheme has been no doubt the work of the Italian Representative at Tangiers, who was here during the sittings of the Conference. The matter really is one of small importance, but the efforts of the Italian Plenipotentiary to maintain the principle of irregular protection under the term "usage consuetudinaire," confirms what I have stated above. If the French Government were sincere in their desire to maintain the *statu quo* in Morocco, they would scarcely insist upon the

maintenance of an arrangement which militates against the authority of the Sultan in his own dominions, and if the Italian Government were sincere in their desire to abolish the abuses of irregular protection, they would scarcely seek to preserve a system which has given rise to them.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 193.

Earl Granville to Lord Lyons.

(No. 849.)
My Lord,

Foreign Office, July 7, 1880.

WITH reference to your Excellency's despatch No. 567 of the 6th instant, I transmit to you herewith a copy of a despatch from Her Majesty's Minister at Tangier upon the subject of the rumour that a French squadron was about to visit that place.*

I am, &c.
(Signed) GRANVILLE.

No. 194.

Sir H. Elliot to Earl Granville.—(Received July 8.)

(No. 349.)
My Lord,

Vienna, June 28, 1880.

MR. WEST, in his despatch to your Lordship No. 153, reported a conversation which he had had with the Papal Nuncio upon the proposal that the Emperor of Morocco should be invited to make a declaration in favour of religious toleration.

The suggestion had been made by the Austro-Hungarian Government at the request of the Cardinal Pro-Nuncio here, and a few days ago I congratulated his Eminence upon this evidence of the adoption by the Holy See of the principle of religious toleration now so generally acknowledged elsewhere.

The energy with which Cardinal Jacobini repudiated the notion of the Papal Government having adhered to such an abominable doctrine was extremely amusing; he protested that their request had nothing to do with any question of principle, and referred only to the improvement of the position of the Catholics of Morocco, and I believe he has not been quite happy in his mind since he has been informed that, as the Emperor has no Christian subjects excepting those who are under foreign protection, it is the Jews alone who will benefit by the declaration which he has asked for.

I have, &c.
(Signed) HENRY ELLIOT.

No. 195.

Earl Granville to Sir J. Drummond Hay.

(No. 81.)
Sir,

Foreign Office, July 8, 1880.

I INCLOSE herewith, for any observations that you may have to make, the copy of a memorial which has been addressed to me by the President of the London Committee of Deputies of British Jews and the President of the Anglo-Jewish Association,† complaining of the proposal made by you, and reported in your despatch No. 91 of the 13th May, that for the future the Jews of Morocco should make their appeals direct to the Moorish Minister for Foreign Affairs.

I am, &c.
(Signed) GRANVILLE.

* No. 182.

† No. 180.

No. 196.

Lord Tenterden to Mr. Montefiore.

Sir,

Foreign Office, July 8, 1880.

I AM directed by Earl Granville to acknowledge the receipt of a memorial of the 30th ultimo, signed by you and Baron H. Worms, M.P., in favour of a return to the system of protection hitherto afforded by the Representatives of foreign Powers to the Jews of Morocco, and objecting to the proposal made by Sir J. Hay that their complaints should be made direct to the Moorish Minister for Foreign Affairs.

In reply, I am to inform you that the memorial will receive consideration.

I have, &c.
(Signed) TENTERDEN.

No. 197.

Sir J. Drummond Hay to Earl Granville.—(Received July 9.)

(No. 121.)
My Lord,

Tangier, July 2, 1880.

I HAVE the honour to transmit herewith the translation of a letter addressed to me by Rabbi Maleh, who is the Austrian Consular Agent at Mogador, reporting the cruel murder of a Jew by the Governor of Entifa, a district near the city of Morocco.

The Rabbi states that the unfortunate man died under the infliction of the bastinado.

I sent off an express courier this morning to the Moorish Court, with a letter to the Vizier, of which I have the honour to transmit a translation, and I requested him to communicate it to the Sultan.

The murder of this Jew tends to prove that which I have frequently affirmed, that the irregular Consular protection afforded at the Moorish ports to about 100 wealthy families does not in any way benefit the 199,000 unprotected Jews who compose the Hebrew population of this country.

As I understand that the Conference at Madrid has decided that the Moorish subjects who have been hitherto irregularly protected by the Italian and other Representatives are to be retained on their lists, notwithstanding the guarantee which the Sultan was prepared to offer, that they should not be molested if protection was withdrawn, and that other abuses, such as the appointment of mercantile native agents in the interior, are to be continued, I apprehend that the representations or remonstrances which may be addressed to the Sultan respecting the state of misgovernment that prevails, and the imperative necessity of introducing reforms, will no longer have the same weight with His Majesty, for the arguments which might have been brought forward in consequence of the Powers having agreed to abolish existing abuses can no longer be employed with the same force.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 197.

The Rabbi Elmaleh to Sir J. Drummond Hay.

(Translation.)

June 25, 1880.

I TAKE the liberty of informing your Excellency of a late occurrence in a place called Entifa, in the neighbourhood of Morocco, of which place the newly-appointed Governor, Hadj Abdallah Aznaghi, caused a Jew, called Jacob Addahan, to be cruelly and unjustly put to death by the bastinado.

This man, who was about 65 years of age, was one of the wealthiest persons in that place, and during the late years of famine he distributed abundant alms in his house, both to Jews and Moors; amongst the latter was a Moorish woman who continued to enjoy the benefit of his charity until the famine had ceased, and, afterwards, in recognition of the kindness she had received from him and from pure goodwill, she remained in the house of the aforesaid Jew as a servant.

During the present month the above-mentioned Governor sent for the said Jew,

Jacob Addahan, and asked him how it was possible that a Moorish woman should serve a Jew, and from the great anger which had taken possession of the Governor he caused cruel blows of sticks to be inflicted upon him until he died, and he would not permit him to be buried until they (the Jews) had sacrificed several heads of cattle in the neighbouring kabylas, and had paid 80 dollars to the Governor.

The Jews of Entifa and of other places under the jurisdiction of this Governor, and even of other districts, are greatly disquieted and frightened, fearing some arbitrary act of injustice like unto this should happen to them.

The Chiefs of the Israelites in the city of Morocco having written to the Chiefs of the Israelitish community of Mogador, requesting us to inform your Excellency of what has happened, soliciting your compassion on behalf of the unfortunate Jews, and that you will cause them to be relieved from such oppression, inasmuch as, from the great fear which possesses them, they have been unable to go forth and complain in their own persons.

If these Jews remain under the jurisdiction of that Governor they will never be tranquilized. I therefore take the liberty to implore of your Excellency to take your wonted compassion, and with your powerful influence to alleviate their cruel sufferings.

Inclosure 2 in No. 197.

Sir J. Drummond Hay to the Vizier.

(Translation.)

(Private.)

(After compliments.)

June 30, 1880.

AS Cid Mohammed Bargash has not yet returned to Tangier, I transmit, for your information, the translation of a Report I have received from a respectable correspondent* of the cruel murder of a Jew by the Governor of Entifa, in consequence of a Mahommedan woman, whose life had been saved by the deceased from starvation during the famine, having continued to serve in the house of her protector.

Whatever may be the law regarding Mahommedan women, the act of this Governor of putting to death, by the torture of the bastinado, an innocent Jew, is, I am persuaded, a crime which His Majesty will not overlook, and that His Majesty will mark his displeasure by the immediate dismissal of this Governor, and by inflicting an adequate punishment on this cruel tyrant.

As a true friend of the Sultan, I urge that His Majesty take prompt and decided steps to mark his displeasure before the accounts of this horrid outrage reach the public in Europe.

The sympathy and friendship of the British and other foreign Governments will be lost by the Sultan if the commission of such atrocities by his Governors is allowed to pass unnoticed.

I request you to communicate this letter and the inclosure to His Majesty.

(Signed) J. H. DRUMMOND HAY.

No. 198.

Mr. West to Earl Granville.—(Received July 9.)

(No. 184.)

My Lord,

Madrid, July 6, 1880.

I HAVE the honour to transmit to your Lordship herewith printed copies of Protocols Nos. 12, 13, 14, 15, and 16 of the Conference on the affairs of Morocco.

I have, &c.

(Signed) L. S. SACKVILLE WEST.

* I did not mention the name of the writer, as the Governor of Entifa might have been informed by the Vizier that the Rabbi Maleh had reported his conduct. &c.—J. H. D. H.

Inclosure 1 in No. 198.

Protocole No. 12.—Séance du 26 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 " d'Autriche-Hongrie,
 " de Belgique,
 " d'Espagne,
 " des États-Unis d'Amérique,
 " de France,
 " de la Grande Bretagne et Danemark,
 " d'Italie,
 " du Maroc,
 " des Pays-Bas,
 " du Portugal, et
 " de la Suède et Norvège.

LA séance est ouverte à 1 heure.

Le procès-verbal de la séance antérieure est lu et approuvé, après que M. le Plénipotentiaire du Maroc ait pris la parole, pour répondre au discours prononcé par M. le Plénipotentiaire d'Italie dans la séance du 24 Juin.

Tout en observant qu'il lui serait difficile de suivre, dans sa partie historique, l'argumentation de son Excellence le Comte Greppi et d'y répondre sur-le-champ, sans autres documents que ceux dont il dispose, Sid Mohammed Vargas croit devoir relever tout au moins la contradiction qu'implique la mention des Traités conclus depuis le dixième siècle entre les Emirs du Maroc et les États Italiens, alors qu'il s'agit de l'exercice du droit de protection. Ce droit, en effet, et la protection elle-même, dans l'acception réelle et usuelle de ce terme, ne saurait se confondre avec les demandes, les recommandations souvent accompagnées du paiement d'une rançon annuelle, qu'adressaient autrefois aux Souverains du Maroc les États Italiens.

L'erreur de son Excellence le Comte Greppi est plus grande encore lorsqu'il cite, à l'appui de son argument, des Traités qui, non-seulement n'ont pas établi de protection au Maroc, mais qui ont laissé les sujets étrangers soumis à la juridiction Marocaine.

"Le Maroc," a dit encore le Plénipotentiaire d'Italie, "a reconnu et sanctionné le droit coutumier de protection en exécutant les Arrêts que les Tribunaux Consulaires ont prononcé contre des sujets du Sultan en faveur des ses sujets protégés en vertu de ce droit." Or, au Maroc, tout litige est porté devant le Tribunal de la nationalité du défendeur; il semble donc étrange que l'autorité Marocaine ait eu à "exécuter les Arrêts des Tribunaux Consulaires;" Sid Mohammed Vargas répondrait, en tout cas, que l'exigence de la force n'a jamais été considérée comme un argument irréfutable contre le droit du faible.

Quant aux protégés Italiens que M. le Comte Greppi a bien voulu énumérer, le Plénipotentiaire du Maroc se bornera à en noter le nombre et les conditions, afin de pouvoir établir au besoin, et par l'aveu même du Plénipotentiaire d'Italie, combien a été rare et difficile l'usage du droit "coutumier" qu'on prétend maintenir, puisque pendant douze ans l'Italie n'a accordé qu'une seule protection en vertu de ce droit, et celle-là par les motifs tout exceptionnels que l'on a rappelés.

Parmi les paroles attribuées au Représentant de la Grande Bretagne à Tanger, il y en a que Sid Mohammed Vargas n'a pas trouvées dans le texte qui lui a été communiqué des procès-verbaux, et d'autres, citées isolément, dont le sens lui semble mal interprété. Le Ministre des Affaires Étrangères du Sultan n'a pas connu davantage la conversation de Sir John Drummond Hay avec le Révérend Mr. Löwy; il aurait, sans cela, protesté contre ces appréciations.

Le Plénipotentiaire du Maroc termine en exprimant sa conviction que les Plénipotentiaires, en possession des faits, apprécient les raisons qui ont rendu nécessaire et qui justifient sa demande, qu'il doit maintenir; il espère encore que le Comte Greppi voudra s'unir à ses collègues pour en reconnaître la justice.

Le Plénipotentiaire d'Italie répond aux observations de M. le Plénipotentiaire du Maroc, en formulant les réserves les plus formelles, et en maintenant intégralement tout ce qu'il a précédemment exposé.

Sur la reprise de la discussion des questions relatives à la protection irrégulière, le Président annonce qu'il croit pouvoir soumettre aux Plénipotentiaires de l'Italie et du Maroc le Projet d'Article suivant, qui serait accepté par tous les autres Plénipotentiaires :

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"Aucune protection irrégulière ne pourra être accordée à l'avenir. Cependant l'exercice du droit consuetudinaire de protection sera exceptionnellement réservé au seul cas où il s'agirait de récompenser des services éclatants rendus à un Gouvernement étranger par un Marocain. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance."

Sur des observations successivement présentées par les *Plénipotentiaires de l'Italie et du Maroc*, et par le *Plénipotentiaire de Portugal* qui demande qu'il soit établi que la situation des personnes jouissant d'une protection irrégulière antérieurement obtenue, soit assimilée pour l'avenir à celle des autres protégés, l'Article proposé est modifié ainsi qu'il suit :

"Aucune protection irrégulière ne pourra être accordée à l'avenir."

"Cependant, l'exercice du droit consuetudinaire de protection sera réservé au seul cas où il s'agirait de récompenser des services éclatants rendus par un Marocain à une Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger, afin qu'il puisse au besoin présenter ses observations; la Résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance."

"La situation des protégés qui ont obtenu la protection en vertu d'usages désormais réglés par les dispositions qui précèdent, sera, pour eux et pour leurs familles, identique à celle établie pour les autres protégés."

Le *Plénipotentiaire du Maroc* déclare accepter l'Article en ces termes, et la Conférence l'adopte provisoirement, sous la réserve, pour le *Plénipotentiaire d'Italie*, de consulter son Gouvernement.

Le *Président* rappelle que M. le *Plénipotentiaire des Etats Unis* avait annoncé qu'il soumettrait à la Conférence des propositions visant la situation des individus auxquels la protection viendrait à être retirée. La Conférence n'ayant pas admis d'effet rétroactif pour ses décisions, les propositions en question ne deviendraient pas applicables.

Le *Général Fairchild*, reconnaissant que son Projet supposait une révision des listes de protection, déclare le retirer du moment où la Conférence a repoussé le principe de la rétroactivité.

Le *Plénipotentiaire du Maroc* demande qu'il soit entendu que toutes les personnes qui sont abusivement protégées, en sus du nombre, et en dehors des conditions déterminées par les Traités, le Règlement de 1863, et les dispositions adoptées par la Conférence, seront rayées des listes de protection.

Ainsi entendu par les *Plénipotentiaires*.

Le *Président* observe que la Conférence, ayant accompli, et au delà, la tâche qu'elle s'était proposée, est à la veille de se dissoudre. Mais il doit porter à la connaissance de ses membres, avant qu'ils ne se séparent, une communication importante qui a été adressée par le Saint-Siège au Gouvernement de Sa Majesté Catholique.

M. Cánovas del Castillo donne lecture de la production suivante d'une lettre, en date du 4 Mai, 1880, qu'il a reçue de son Eminence le Cardinal Nina :—

"Excellence,

"Le Saint-Père, obéissant aux devoirs de sa Mission Apostolique, ne peut que mettre à profit toutes les occasions qui se présentent de veiller aux intérêts du Catholicisme, sur n'importe quel point du globe. Ayant appris que dans le courant de ce mois un Congrès Diplomatique doit se réunir sous votre présidence pour s'occuper des affaires du Maroc, Sa Sainteté, tout en reconnaissant que parmi les questions qui seront soumises à la délibération de la Conférence, celle qui se rapporte à la liberté religieuse dans l'Empire Marocain n'a pas été particulièrement désignée, croit cependant que rien n'interdirait aux *Plénipotentiaires* réunis à Madrid de porter leur attention sur un sujet si important pour le bien-être des habitants du Maroc, quand même il ne serait considéré qu'au point de vue matériel.

"Il n'est point douteux que, de même qu'au dernier Congrès de Berlin les appels faits par mon illustre prédécesseur, le Cardinal Franchi, aux Représentants de la France et de l'Autriche, MM. Waddington et Andrassy, eurent pour résultat de faire accueillir et voter, avec l'approbation générale, les demandes de Sa Sainteté relatives à la liberté de la religion Catholique pour les sujets de la Sublime Porte et des Etats qui l'avoient

sinent, de même la proposition que je fais en ce moment trouvera un accueil non moins favorable de la part des dignes Représentants à la veille de se réunir dans la capitale d'une nation si dévouée au Saint-Siège, et liée par tant d'intérêts à l'Empire du Maroc. D'autre part, il n'est pas permis de présumer que le Gouvernement Marocain, uni par un lien si étroit au Représentant suprême de l'Islamisme, puisse se refuser à suivre l'exemple qui lui a été offert par l'adhésion de l'Empereur des Ottomans aux Articles stipulés dans le Congrès de Berlin, lorsque la Conférence qui va se réunir lui proposera d'adopter une résolution analogue.

"Obéissant à ces considérations, le Saint-Père m'a chargé de m'adresser à votre Excellence, digne Président de l'Assemblée, et de faire appel, en son nom Pontifical, à ses sentiments comme Catholique et comme Espagnol, afin qu'elle veuille bien se charger de proposer et de défendre au sein du Congrès la proposition sus-indiquée, qui porte que les sujets du Sultan, ainsi que les étrangers, jouiront au Maroc du libre exercice du culte Catholique, sans que par ce motif ils aient à souffrir tort ou préjudice dans leurs droits civils ou politiques.

"Le Saint-Père ne méconnaît point les obstacles qu'oppose l'état actuel du Maroc à la réalisation de cette liberté; mais ses obstacles, loin de décourager, doivent stimuler les cœurs généreux qui n'envisagent que la grandeur du but à atteindre.

"Du reste, une fois que le Gouvernement Marocain aura accepté le principe en question, et pris vis-à-vis des Puissances étrangères l'engagement de s'y conformer, si ces Puissances, d'accord avec l'Espagne, dont les relations avec le Maroc présentent un caractère tout spécial, voulaient prendre une attitude semblable à celle qu'elles ont adoptée en Orient, on pourrait avec raison espérer que le progrès de la civilisation amèneraient bientôt, par des voies pacifiques, le libre exercice du culte Catholique dans ces régions Africaines.

"En me conformant aux ordres de l'auguste Pontife, je dois en même temps vous faire savoir que le Saint-Père est animé d'une conviction intime que vous répondrez à son appel paternel, et que les Représentants des autres Puissances seconderont vos efforts, en accueillant avec faveur une demande conforme aux principes aujourd'hui admis du droit public international.

"Le Saint-Père croit également qu'en agissant ainsi, votre Excellence répondra aux sentiments bien connus de Sa Majesté le Roi, son Auguste Souverain, en faveur de notre sainte religion.

"Je saisis, &c.

(Signé) "L. CARD. NINA.

"A son Excellence M. Cánovas del Castillo."

M. Cánovas del Castillo a eu l'honneur de répondre à Mgr. le Nonce Apostolique à Madrid, avec lequel il s'est entretenu à ce sujet, que le *Plénipotentiaire d'Espagne* était prêt à présenter, et à appuyer au sein de la Conférence, la proposition du Saint-Siège, aussitôt qu'il serait avéré que les Représentants des autres Puissances pourraient consentir à traiter des questions en dehors de celles qui avaient motivé leur réunion; il devrait, en particulier, consulter son collègue le Représentant de la Grande Bretagne, dont le Gouvernement a pris l'initiative de la convocation des *Plénipotentiaires*, sur l'opportunité qu'il y aurait à saisir la Conférence de cette proposition. M. Cánovas a ajouté que, si la Conférence admettait en principe la possibilité de traiter des questions étrangères au but déterminé qu'elle s'était proposé, le *Plénipotentiaire d'Espagne* tiendrait à honneur de remplir la mission que le Saint-Siège daignait lui confier, et qu'il était persuadé que la communication du Saint-Père serait accueillie, en ce cas, avec toute la déférence due à sa haute origine.

Il a rappelé en même temps que le Traité de 1861 assure la liberté religieuse aux Catholiques Espagnols au Maroc, et que d'autre part le Traité Anglais de 1856 stipulait également, pour les sujets Britanniques, le libre exercice de leur culte.

Ayant acquis postérieurement la conviction que les *Plénipotentiaires* sont disposés à examiner cette question, le *Président* estime que la Conférence devra faire une déclaration érigeant en règle générale le principe que le Maroc a déjà admis par des Traités.

Le *Plénipotentiaire d'Autriche-Hongrie* prend alors la parole, et dit que le Gouvernement de Sa Majesté Impériale et Royale Apostolique, à la suite d'une démarche analogue du Saint-Siège, a pu s'assurer, de son côté, que les autres Cabinets seraient, en effet, disposés à se joindre à un vœu comme celui dont vient de prendre l'initiative le *Président* de la Conférence, pourvu que ce vœu fût exprimé en faveur de tous les habitants non-Musulmans du Maroc, et que la Conférence recommandât en même temps à la sagesse du Sultan du Maroc l'abolition des incapacités qui pèsent encore sur certaines classes de ses sujets en raison de leurs croyances.

C'est dans ce sens, et pour donner une forme plus précise à ce vœu, que M. le

Comte Ludolf a été chargé de préparer le Projet d'adresse au Souverain du Maroc qu'il a l'honneur de soumettre à la Conférence.

Le Plénipotentiaire d'Autriche-Hongrie donne lecture du document en ces termes :—

"La Conférence, au moment de se dissoudre, informée par son Président de la demande exprimée en faveur de l'Eglise Catholique par Sa Sainteté le Souverain Pontife, dans la lettre dont lecture vient d'être faite, demande, de son côté, que le libre exercice de tous les cultes soit reconnu au Maroc.

"La Conférence d'autant plus convaincue que ce vœu trouvera un accueil favorable auprès de Sa Majesté Shériffienne, que l'Illustre Souverain du Maroc a déjà donné une preuve manifeste de sa tolérance et de sa sollicitude pour le bien-être de ses sujets non-Musulmans, en confirmant en 1874 le Décret accordé par Sa Majesté le Sultan Sidi Mohammed, sous le 26 Chaban, 1280 (Février 1864), à Sir Moses Montefiore, Décret qui proclame que tous les sujets de l'Empire du Maroc doivent avoir le même rang devant la loi : que par conséquent les Juifs au Maroc doivent être traités conformément à la justice et à l'équité, et qu'aucune violence ne doit être exercée à l'égard de leurs personnes ni de leurs biens.

"A la suite de ce Décret, bien des lois humiliantes édictées contre les non-Musulmans dans des temps antérieurs ont été mises hors de pratique, et le sort des races non-Musulmanes au Maroc est devenu plus supportable.

"Toutefois, ces lois ne sont pas encore toutes formellement révoquées, et quelques-unes même continuent à être en vigueur dans plus d'un endroit de l'intérieur de l'Empire. De même, le libre exercice de leurs cultes n'est pas encore accordé d'une manière légale aux sujets non-Musulmans de Sa Majesté Shériffienne, et beaucoup de restrictions existent encore pour ces derniers qui sont contraires à l'esprit du Décret du 26 Chaban, 1280, et à cette règle si élémentaire et si universellement respectée, que les sujets d'un même pays, de quelque race ou de quelque religion qu'ils soient, dès qu'ils accomplissent fidèlement leurs devoirs envers le Souverain, doivent jouir d'une parfaite identité de droits et d'une complète égalité devant la loi.

"Le Sultan Abdul Medjid, Empereur des Ottomans, a déjà, en 1839, par le Hatti-Chérif de Gulhané, reconnu spontanément et inscrit dans la législation de son pays ce même principe, qui a été développé et consacré depuis par ses successeurs, en 1856 et dernièrement encore en 1878, de façon qu'on ne saurait douter qu'il ne se laisse parfaitement concilier avec la loi Mahométane.

"Quique persuadée que l'Illustre Souverain du Maroc est animé, non moins que le Sultan de la Turquie, d'intentions bienveillantes envers ses sujets non-Musulmans, la Conférence croirait manquer à un devoir si elle ne témoignait le vif et profond intérêt qu'elle prend à la prompte amélioration de leur sort. A cet effet, la Conférence, au nom des Hautes Puissances représentées dans son sein, fait appel à Sa Majesté Shériffienne afin que, fidèle à ses sentiments de justice et de générosité, elle manifeste sa ferme volonté :—

1. De faire respecter dans ses Etats le principe que tous ceux qui y habitent et qui y habiteront à l'avenir pourront professer et exercer sans entraves leurs cultes ;

2. De prescrire à son Gouvernement, comme base immuable de la législation du Maroc, la maxime déjà adoptée dans le Décret du 26 Chaban, 1280, et d'après laquelle, ni la religion, ni la race ne pourront jamais être un motif pour établir une différence dans le traitement par et devant la loi entre ses sujets Musulmans et non-Musulmans, ni servir de prétexte pour imposer à ces derniers des humiliations, pour les priver d'un droit civil quelconque, ou pour les empêcher d'exercer librement toutes les professions et industries qui sont permises aux sujets Musulmans de l'Empire.

"Une pareille manifestation non-seulement honorerait le règne de Sa Majesté Shériffienne, mais inaugurerait aussi pour ses Etats une ère nouvelle de prospérité.

"Les Soussignés, en déposant le présent Acte entre les mains de son Excellence Sid Mohammed Vargas, prient M. le Plénipotentiaire du Maroc de le soumettre à Sa Majesté Shériffienne, qui ne lui refusera certes pas la sérieuse attention que mérite un vœu exprimé au nom des Puissances que les Soussignés ont l'honneur de représenter.

"Madrid, le 26 Juin, 1880."

Ce texte est approuvé par les Plénipotentiaires, à l'exception du Représentant de Sa Majesté Shériffienne, qui ne peut que s'engager à porter à la connaissance de son Souverain les vœux que les Plénipotentiaires viennent d'exprimer au nom de leurs Gouvernements respectifs.

Sid Mohammed Vargas croit cependant devoir rappeler qu'au Maroc les Musul-

mans, les Chrétiens, et les Juifs suivent leur religion, sans qu'il y soit mis d'empêchement ni d'obstacle.

Le Plénipotentiaire du Maroc n'a pas d'instructions de son Souverain qui lui permettent de traiter cette question ou toute autre qui, comme elle, ne se rattacherait pas directement à l'objet de sa mission à Madrid. Néanmoins, en vue de l'adresse que vient d'adopter la Conférence, il croit devoir lui communiquer une lettre qu'il a reçue de Sa Majesté le Sultan Muley el Hassan, et qui a trait aux Juifs ses sujets. Il en donne lecture en ces termes :—

"Louange à Dieu unique ! Que la bénédiction de Dieu soit sur Mahomet, notre Seigneur et Maître, sur sa famille, et ses compagnons !

"A notre estimé serviteur, le Taleb Mohammed Vargas. Que Dieu te soit propice, et que la paix soit sur toi, ainsi que la bénédiction de Dieu Très-Haut et sa miséricorde.

"Et puis :—

"Il est parvenu à notre connaissance que certains Juifs de nos sujets se sont plaints à plusieurs reprises à leurs frères résidant en Europe et aux Représentants étrangers à Tanger, de ce qu'ils ne parviennent pas à obtenir justice dans leurs réclamations relatives à meurtres, vols, &c. Ils prétendent que les Gouverneurs montrent de l'indifférence à leur faire avoir satisfaction des personnes qui les attaquent, et que leurs demandes n'arrivent jamais à notre Majesté Shériffienne, si ce n'est par l'entremise de personnes (les Juifs résidant en Europe et les Représentants étrangers).

"Notre volonté Shériffienne est qu'ils obtiennent justice sans l'intervention des Puissances ni des Représentants, parce qu'ils sont nos sujets et nos tributaires, ayant par-là les mêmes droits que les Musulmans devant nous, et tout abus contre eux étant défendu par notre religion.

"C'est pourquoi nous t'ordonnons d'accepter la réclamation de tout Juif qui se plaindra de ne pas obtenir justice d'un Gouverneur, et de nous en donner connaissance lorsque tu ne trouveras pas le moyen d'y faire droit.

"Nous avons envoyé des ordres en ce sens aux Gouverneurs des villes, des ports, et de la campagne, afin qu'ils en donnent connaissance aux Juifs, et en même temps nous les avons prévenus que si quelqu'un d'eux s'oppose ou met des difficultés à ce que la plainte d'un Juif parvienne à toi, nous le punirons très-sévèrement.

"Nous t'ordonnons de traiter leurs affaires avec toute justice et de ne rien nous cacher sur l'arbitraire des Gouverneurs à leur égard, car tous les hommes sont égaux pour nous en matière de justice.

"Le 22 Joumadi premier, an 1297."

Le Président, donnant acte au Représentant du Maroc de cette communication, constate, au nom de tous les Plénipotentiaires, la vive satisfaction avec laquelle la Conférence accueille les déclarations qui viennent de lui être faites. Les Plénipotentiaires voient dans le principe, qu'elles établissent, d'un appel au Ministre des Affaires Etrangères, à la fois une preuve des sentiments de justice qui animent Sa Majesté Shériffienne à l'égard de ses sujets Israélites, et l'annonce du prompt accomplissement des vœux exprimés par la Conférence.

Le Président annonce à la Conférence qu'il a reçu du Gouvernement de Sa Majesté l'Empereur du Brésil une réponse à l'invitation à prendre part à la Conférence, qui lui a été adressée, en même temps qu'aux autres Puissances.

Le Gouvernement Impérial, par des motifs indépendants de sa volonté, n'a pu se faire représenter à Madrid en temps utile ; mais il est disposé à adhérer, à l'occasion et dans la mesure du possible, aux décisions qui auraient été prises en commun par les Plénipotentiaires.

La Conférence s'ajourne au Lundi, 28 Juin.

La séance est levée à 3 heures.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÂNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 2 in No. 198.

Protocole No. 13.—Séance du 28 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 „ d'Autriche-Hongrie,
 „ de Belgique,
 „ d'Espagne,
 „ des États-Unis d'Amérique,
 „ de France,
 „ de la Grande Bretagne et Danemark,
 „ d'Italie,
 „ du Maroc,
 „ des Pays-Bas,
 „ du Portugal, et
 „ de la Suède et Norvège.

LA séance est ouverte à 1 heure.

Le procès-verbal de la séance antérieure est lu et approuvé.

ML. le Plénipotentiaire d'Italie ne se trouvant pas encore autorisé à accepter la rédaction suggérée pour l'Article relatif à la protection irrégulière, le Président propose de revoir la rédaction des Articles déjà votés, et de prendre connaissance d'un Projet préparé par les Secrétaires, qui coordonne et groupe les Articles.

Cette proposition étant acceptée, le Projet de Convention suivant est adopté, après un examen attentif de chaque Article, et à l'exception des Articles XVI et XVIII, réservés.

Projet de Convention.

Les Hautes Parties Contractantes ayant reconnu la nécessité d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence qui s'est réunie à cet effet à Madrid, savoir, &c., lesquels, en vertu de leurs pleins pouvoirs, reconnus en bonne et due forme, ont arrêté les dispositions suivantes :—

ARTICLE I.

Les conditions dans lesquelles la protection peut être accordée sont celles qui sont stipulées dans les Traités Britannique et Espagnol avec le Gouvernement Marocain et dans la Convention survenue entre ce Gouvernement, la France, et d'autres Puissances en 1863, sauf les modifications qui y sont apportées par la présente Convention.

ARTICLE II.

Les Représentants étrangers Chefs de Mission pourront choisir leurs interprètes et employés parmi les sujets Marocains ou autres.

Ces protégés ne seront soumis à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles 12 et 13.

ARTICLE III.

Les Consuls, Vice-Consuls, ou Agents Consulaires Chefs de poste qui résident dans les Etats du Sultan du Maroc, ne pourront choisir qu'un interprète, un soldat, et deux domestiques parmi les sujets du Sultan, à moins qu'ils n'aient besoin d'un Secrétaire indigène.

Ces protégés ne seront soumis non plus à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

ARTICLE IV.

Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans une ville de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui-même, ne sera soumise à aucun droit, impôt ou taxe quelconque en dehors de ce qui est stipulé aux Articles XII et XIII; mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

Il pourra toutefois, pour l'exercice de ses fonctions, avoir un soldat protégé.
 Les Gérants des Vice-Consulats, sujets du Sultan, jouiront, pendant l'exercice de leurs fonctions, des mêmes droits que les Agents Consulaires sujets du Sultan.

ARTICLE V.

Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit qui leur est accordé par les Traités de choisir les personnes qu'ils emploient, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Cheiks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des Maghaznias préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

Il reste entendu que les procès civils engagés avant la protection se termineront devant les Tribunaux qui en auront entamé la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois, l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

Quant aux ex-protégés qui auraient un procès commencé avant que la protection eût cessé pour eux, leur affaire sera jugée par le Tribunal qui en était saisi.

Le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays, et qu'elles n'aient, s'il y a lieu, accompli leur peine.

ARTICLE VI.

La protection s'étend sur la famille du protégé. Sa demeure est respectée.

Il est entendu que la famille ne se compose que de la femme, des enfants, et des parents mineurs qui habitent sous le même toit.

La protection n'est pas héréditaire. Une seule exception, déjà établie par la Convention de 1863, et qui ne saurait créer un précédent, est maintenue en faveur de la famille Benchimol.

Cependant, si le Sultan du Maroc accordait une autre exception, chacune des Puissances Contractantes aurait le droit de réclamer une concession semblable.

ARTICLE VII.

Les Représentants étrangers informeront par écrit le Ministre des Affaires Etrangères du Sultan du choix qu'ils auront fait d'un employé.

Ils communiqueront chaque année au dit Ministre une liste nominative des personnes qu'ils protègent ou qui sont protégés par leurs Agents dans les Etats du Sultan du Maroc.

Cette liste sera transmise aux autorités locales, qui considéreront comme protégés que ceux qui y sont inscrits.

ARTICLE VIII.

Les Agents Consulaires remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur sceau, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Etrangères, afin que si elle n'est pas conforme aux Règlements, les Représentants à Tanger en soient informés.

L'Officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat.

ARTICLE IX.

Les domestiques, fermiers, et autres employés indigènes des Secrétaires et interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois, les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation, ou d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser, ou à violer son domicile, il serait immédiatement arrêté, mais l'autorité Diplomatique ou Consulaire sous laquelle il est placé serait avertie sans retard.

ARTICLE X.

Il n'est rien changé à la situation des censaux qu'elle a été établie par les Traités et par la Convention de 1863, sauf ce qui est stipulé, relativement des impôts, dans les Articles suivants.

ARTICLE XI.

Le droit de propriété au Maroc est reconnu par tous les étrangers.

L'achat de propriétés devra être effectué avec le consentement préalable du Gouvernement, et les titres de ces propriétés seront soumis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Etrangères stipulé dans les Traités.

ARTICLE XII.

Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne.

ARTICLE XIII.

Les étrangers, les protégés, et les censaux propriétaires de bêtes de somme paieront la taxe dite des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Etrangères de Sa Majesté Shériffienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

ARTICLE XIV.

La médiation des Interprètes, Secrétaires indigènes ou soldats des différentes Légations ou Consuls, lorsqu'il s'agira de personnes non placées sous la protection de la Légation ou du Consulat, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

ARTICLE XV.

Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'obligation de quitter le Maroc, à moins qu'il ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les règles établies par les lois de chaque pays, leur est maintenue pour tous ses effets, sans restriction aucune.

ARTICLE XVI.

Aucune protection irrégulière ne pourra être accordée à l'avenir.

Cependant, l'exercice du droit consuetudinaire de protection sera réservé au seul cas où il s'agirait de récompenser des services éclatants rendus par un Marocain à une Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels et particuliers à cette Puissance. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre des protégés ainsi créés ne pourra jamais dépasser celui de trois par Puissance.

La situation des protégés qui ont obtenu la protection en vertu d'usages désormais

réglés par les dispositions qui précèdent, sera, pour eux et pour leurs familles, identique à celle établie pour les autres protégés.

ARTICLE XVII.

Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence de Madrid.

ARTICLE XVIII.

Sous réserve de la ratification ultérieure, les dispositions de la présente Convention seront mises en vigueur à partir du jour de la signature.

Les ratifications seront échangées à Tanger dans le plus bref délai possible.

En foi de quoi, &c.

La séance est levée à 4 heures, et la Conférence s'ajourne à la convocation de son Président.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÂNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURES.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 3 in No. 198.

Protocole No. 14.—Séance du 30 Juin, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
" d'Autriche-Hongrie,
" de Belgique,
" d'Espagne,
" des États-Unis d'Amérique,
" de France,
" de la Grande Bretagne et Danemark,
" d'Italie,
" du Maroc,
" des Pays-Bas,
" du Portugal, et
" de la Suède et Norvège.

LA séance est ouverte à 3 heures.

Le procès-verbal de la séance antérieure est lu et approuvé.

L'ordre du jour appelle la discussion de l'Article XVI du Projet de Convention.

Le Président rappelle que cet Article, relatif à la protection irrégulière, qui a été réservé jusqu'à ce moment sur la demande de M. le Plénipotentiaire d'Italie, a donné lieu à des difficultés sérieuses, portant principalement sur le nombre des protégés qu'il reconnaît à chaque Puissance en vertu de l'exercice exceptionnel de la protection consuetudinaire. Il propose à la Conférence d'adopter pour cet Article la rédaction suivante, qui a été suggérée en vue de concilier les exigences de l'Italie et du Maroc, et qui paraît devoir être acceptée par les Plénipotentiaires de ces deux Puissances :

" Aucune protection irrégulière ni officieuse ne pourra être accordée à l'avenir. Les autorités Marocaines ne reconnaîtront jamais d'autres protections, quelle que soit leur nature, que celles qui sont expressément arrêtées dans cette Convention.

" Cependant, l'exercice du droit consuetudinaire de protection sera réservé aux seuls cas où il s'agirait de récompenser des services signalés rendus par un Marocain à une

Puissance étrangère, ou pour d'autres motifs tout-à-fait exceptionnels. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Etrangères à Tanger, afin qu'il puisse au besoin présenter ses observations; la résolution définitive restera néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre de ces protégés ne pourra dépasser celui de douze par Puissance, qui reste fixé comme maximum, à moins d'obtenir l'assentiment du Sultan.

"La situation des protégés qui ont obtenu la protection en vertu de la coutume désormais réglée par la présente disposition, sera, pour eux et pour leurs familles, identique à celle qui est établie pour les autres protégés."

Le Plénipotentiaire du Maroc observe qu'il devra être entendu que les services signalés dont il est question dans cet Article seront particuliers à la Puissance qui les récompense par la protection.

Le Président constate que la Conférence l'entend ainsi.

La Conférence, en vue de l'entente qui s'est établie entre les Plénipotentiaires de l'Italie et du Maroc, adopte l'Article XVI.

Les Plénipotentiaires procèdent ensuite à l'examen de l'Article XVIII du Projet de Convention, qui a été également réservé.

Le Plénipotentiaire d'Autriche-Hongrie observe que cet Article, dont mention provisoire seulement a été faite dans la séance du 28 Juin, devrait faire ressortir que l'application immédiate des dispositions adoptées par la Conférence autorisée comme mesure d'exception par les Hautes Parties Contractantes elles-mêmes.

Sur cette observation du Comte Ludolf, le Plénipotentiaire de Belgique propose de rédiger ainsi que suit l'Article XVIII :

"La présente Convention sera ratifiée. Les ratifications seront échangées à Tanger dans le plus bref délai possible.

"Par consentement exceptionnel des Hautes Parties Contractantes, les dispositions de la présente Convention entreront en vigueur à partir du jour de la signature à Madrid."

Le Plénipotentiaire d'Autriche-Hongrie déclare accepter cette rédaction, sous la réserve faite par son Gouvernement, que la disposition exceptionnelle dont il s'agit ne devra pas créer un précédent.

Les autres Plénipotentiaires s'associant au nom de leurs Gouvernements respectifs, à la réserve faite par le Comte Ludolf, la Conférence adopte l'Article XVIII et dernier.

Le Plénipotentiaire d'Italie croit seulement devoir réserver encore son adhésion formelle : le Gouvernement Italien a accepté en effet le principe de cet Article, mais s'est réservé de prendre connaissance du texte complet de la Convention avant d'en autoriser la signature par son Représentant.

La Conférence s'ajourne à convocation ultérieure pour la signature de la Convention.

La séance est levée à 4 heures.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 4 in No. 198.

Protocole No. 15.—Séance du 2 Juillet, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
" d'Autriche-Hongrie,
" de Belgique,
" d'Espagne,
" des États-Unis d'Amérique,
" de France,
" de la Grande Bretagne et Danemark,
" d'Italie,
" du Maroc,
" des Pays-Bas,
" du Portugal, et
" de la Suède et Norvège.

LA séance, convoquée extraordinairement, est ouverte à 5 heures.

Le Président, rappelant que le Plénipotentiaire d'Italie a dû réserver, dans la dernière séance, son adhésion formelle au Projet de Convention, afin de permettre à son Gouvernement de prendre connaissance du texte complet, annonce que M. le Comte Greppi vient de le prévenir qu'il a une communication à faire à la Conférence.

Le Plénipotentiaire d'Italie prend la parole en ces termes :—

"Le Gouvernement Italien vient de m'autoriser à signer la Convention, avec la condition, cependant, que j'obtienne de la Conférence une légère modification dans la rédaction du dernier paragraphe de l'Article XVI. A son avis, le principe de non-rétroactivité en faveur des anciens protégés créés par le droit consuetudinaire, n'est pas suffisamment établi. Par conséquent, j'ai l'honneur de soumettre à la Conférence la rédaction suivante du paragraphe en question.

"La situation des protégés qui ont obtenu la protection en vertu de la coutume désormais réglée par la présente disposition sera, sans limitation du nombre pour les protégés actuels de cette catégorie, identique, pour eux et pour leurs familles, à celle qui est établie pour les autres protégés."

Les Plénipotentiaires constatent que l'addition qui vient d'être proposée rentre dans le sens de l'Article, tel qu'ils l'ont toujours entendu.

Néanmoins, la Conférence est disposée, par déférence envers le Gouvernement Italien, à accepter la rédaction qu'il a télégraphié à son Représentant.

Le Plénipotentiaire du Maroc demande que le sens de ces mots, "sans limitation du nombre," soit mieux établi.

La Conférence entend que la nouvelle rédaction, comme l'ancienne, signifie que le nombre des protégés de cette catégorie qui figurent actuellement sur les listes ne pourra pas être réduit par des radiations.

L'Article XVI est définitivement adopté, dans les termes demandés par M. le Comte Greppi au nom du Gouvernement Italien.

La Conférence s'ajourne au lendemain, 3 Juillet, pour la signature de la Convention.

La séance est levée à 6 heures; le présent Protocole, rédigé séance tenante, ayant été approuvé.

(Signé)

Comte SOLMS.
Comte LUDOLF.
ED. ANSPACH.
A. CÁNOVAS DEL CASTILLO.
LUCIUS FAIRCHILD.
JAURÈS.
L. S. SACKVILLE WEST.
GREPPI.
MOHAMMED VARGAS.
M. DE HELDEWIER.
Comte de CASAL RIBEIRO.
H. AKERMAN.

Inclosure 5 in No. 198.

Protocole No. 16.—Séance du 3 Juillet, 1880.

Étaient présents :

M. le Plénipotentiaire d'Allemagne,
 „ d'Autriche-Hongrie,
 „ de Belgique,
 „ d'Espagne,
 „ des États-Unis d'Amérique,
 „ de France,
 „ de la Grande Bretagne et Danemark,
 „ d'Italie,
 „ du Maroc,
 „ des Pays-Bas,
 „ du Portugal, et
 „ de la Suède et Norvège.

La seizième et dernière séance de la Conférence est ouverte à 11 heures.

Le Président invite les Plénipotentiaires à vouloir bien procéder à la signature de la Convention.

M. le Plénipotentiaire d'Allemagne prend la parole en ces termes :—

“Au moment de nous séparer, nous avons encore à remplir un devoir, et je dois ajouter un devoir des plus agréables.

“La Conférence a été menée à bonne fin, et si nous avons pu remplir notre tâche, nous devons cet heureux résultat principalement à l'esprit d'impartialité et de conciliation avec lequel notre honorable Président a dirigé nos travaux.

“Je sais bien ce sentiment est partagé par tous les Représentants réunis en Conférence, et je peux donc me permettre de m'en faire l'interprète en exprimant à son Excellence M. Cánovas del Castillo nos remerciements les plus sincères et notre entière gratitude.”

Le Plénipotentiaire du Maroc demande à s'associer d'une façon toute spéciale, et comme Représentant de la partie la plus intéressée, au vote de remerciements qui vient d'être adopté.

M. Cánovas del Castillo répond :—

“C'est moi, Messieurs, qui ai à vous adresser des remerciements pour le bienveillant concours que vous avez bien voulu me prêter pendant toute la durée de nos travaux. Sans lui il m'eût été impossible de remplir ma tâche. Croyez, Messieurs, à ma reconnaissance, et permettez-moi d'espérer en même temps que vous garderez toujours un bon souvenir de nos discussions si loyales et si amicales.”

La Conférence procède à la signature des treize exemplaires de la Convention.

Les Plénipotentiaires signent également l'adresse à Sa Majesté le Sultan du Maroc qui a été adoptée dans la séance du 26 Juin.

Le Président reprend la parole en ces termes :—

“Messieurs, les travaux de la Conférence sont terminés.

“Mon dernier devoir serait de remercier le Secrétariat, au nom de la Conférence, pour le zèle et l'intelligence dont il a fait preuve, en étendant également nos remerciements à MM. les Interprètes.

“Permettez-moi pourtant de dire quelques mots sur la Conférence elle-même. Les difficultés de toute nature qui ont provoqué notre réunion ne seront pas, sans doute, aplanies tout à coup par nos résolutions. Mais en acceptant pour règle générale le principe de non-rétroactivité nous avons compté avec le temps, et lui avons laissé une part dans l'amélioration des circonstances actuelles.

“Nous avons fixé des limites à tous les droits reconnus, pour remédier aux inconvénients et aux abus possibles de l'arbitraire.

“Nous avons admis en matière d'impôt, et pour d'autres questions encore, des solutions qui augmenteront considérablement les ressources du Sultan du Maroc, et qui contribueront à fortifier de plus en plus son autorité dans toute l'étendue de son vaste Empire.

“Nous avons, enfin, appelé sérieusement son attention, au nom des Puissances que nous représentons, sur les nécessités, religieuses et civiles, de ses sujets, en vue d'obtenir de l'exercice de son autorité vigoureuse et raffermie, des améliorations dans des questions qui touchent de près à l'humanité et à la civilisation. On nous devra la justice de reconnaître, plus spécialement sur ce dernier point, que, si nous n'avons pas,

dès à présent, tout réalisé, nous avons du moins fait tout ce que les circonstances rendaient possible.”

Le procès-verbal ayant été rédigé et approuvé séance tenante, les Plénipotentiaires se séparent à midi.

(Signé)

Comte SOLMS.
 Comte LUDOLF.
 ED. ANSPACH.
 A. CÁNOVAS DEL CASTILLO.
 LUCIUS FAIRCHILD.
 JAURÈS.
 L. S. SACKVILLE WEST.
 GREPPI.
 MOHAMMED VARGAS.
 M. DE HELDEWIER.
 Comte de CASAL RIBEIRO.
 H. AKERMAN.

No. 199.

Mr. West to Earl Granville.—(Received July 9.)

(No. 186.)

My Lord,

Madrid, July 6, 1880.

I HAVE the honour to transmit to your Lordship herewith the Convention which was signed at Madrid on the 3rd instant by the Plenipotentiaries of Great Britain, Germany, Austria, Hungary, Belgium, Spain, United States, France, Italy, Morocco, Netherlands, Portugal, and Sweden and Norway, for establishing uniformity in the exercise of the right of granting foreign protection to the subjects of the Sultan of Morocco, and for regulating certain questions appertaining thereto.

I likewise annex duplicate of the same Convention which I signed as representing Denmark in the Conference for transmission to the Government of His Majesty the King, as well as a complete set of the Protocols.

The Brazilian Government, which, owing to unavoidable circumstances, was not represented in the Conference, has, however, through its Representative at Madrid, signified its willingness to adhere to the Convention after a due examination of its provisions.

Her Majesty's Government will, I trust, recognize that the Treaty rights of Great Britain, as well as the interests of British trade and commerce in Morocco, are fully upheld by this Convention, and that no privilege or exemption accorded to the subjects of any other foreign nation can be withheld from the subjects of Great Britain resident and trading in the dominions of the Sultan. The difficulty, indeed, was not so much the upholding of existing Treaty stipulations as adapting them to the exigencies of the actual condition of the country with which the Conference was dealing, and at the commencement of its deliberations there seemed a decided tendency to maintain a system which was gradually rendering the Government of the Sultan impossible, and which was, moreover, contrary to the policy of Her Majesty's Government as uniformly pursued by the British Representative at Tangiers. The firmness, however, of Cid Mohamed Vargas, the Moorish Plenipotentiary, upon one or two occasions, was not without its effect, and aided very much to soothe the conflict of opinion which at one moment threatened to break up the Conference.

As your Lordship will perceive from the several Protocols, the language of Señor Canovas del Castillo was throughout in accordance with what he had declared the policy of the Spanish Government to be previous to the meeting of the Conference, and he never failed to consult me when there appeared the possibility of a divergence of opinion upon any point between us.

Your Lordship will find in Protocol No. 12, forwarded in my despatch No. 174 of the 1st instant, the declaration respecting religious liberty which was signed by all the Plenipotentiaries and delivered to the Moorish Delegate, to which declaration the letter of the Sultan in the same Protocol is an appropriate and satisfactory answer, more especially as regards his Jewish subjects. It will now be for the Representatives of the European Powers at Tangiers, either collectively or individually, to see that the promises of the Sultan are carried out with respect to the Jewish population, and to take care that proper measures are taken in accordance with the Sultan's letter to Cid

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Mohamed Vargas above alluded to, to protect them against all persecution and outrage.

There are means certainly of evading the intention of the terms of the Convention, but such a course is rendered difficult in the face of the solemn act which has been concluded, and a strict adherence to it on all sides may justly be anticipated.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

Inclosure in No. 199.

Convention signed at Madrid July 3, 1880.

[See Convention as presented to Parliament.]

No. 200.

Earl Granville to Mr. West.

(No. 118.)
Sir,

Foreign Office, July 13, 1880.

I APPROVE the course taken by you, as reported in your despatch No. 162 of the 27th ultimo, relative to the declaration respecting religious liberty in Morocco, brought before the Conference by the Austro-Hungarian Plenipotentiary.

I am, &c.
(Signed) GRANVILLE.

No. 201.

Sir J. Drummond Hay to Earl Granville.—(Received July 19.)

(No. 132. Confidential.)

My Lord,

Tangier, July 12, 1880.

CID MOHAMMED BARGASH informs me that he intends to avoid, under pretext of bad health, proceeding to the Court at Fez to report the result of his mission, as he fears the Sultan will be dissatisfied with his conduct in having signed the Convention concluded at Madrid, as the terms of the French Agreement of 1863 are to remain in force, and he requested me to write privately to the Court to assure the Sultan that he had done all in his power to carry out His Majesty's wishes.

I read to Cid Mohammed Bargash the following passage in a private letter I had received from Mr. West:—

"Cid Mohammed Bargash leaves Madrid to-morrow evening, and I send this letter by him. He has done all he possibly could do in the Conference for his Government, and considering the hostile attitude of the French and Italian Plenipotentiaries, has obtained as much as could be expected.

"He never acted without consulting me and asking my advice. His quiet and dignified bearing won, at last, the goodwill of even his opponents, and I trust that the Sultan will fully recognize the services he has rendered." And I promised to transmit a translation of this extract to the Vizir for the Sultan's information.

I told Cid Mohammed Bargash that a perusal of the Protocols of the Conference had convinced me that he could not have done more or acted otherwise than he had done without involving the Sultan in serious differences with the Governments of France and Italy, and that though the fact of "semsars" dwelling in the interior being placed under Consular protection may produce hereafter embarrassing questions, yet that several important points, such as the taxation of foreign and protected subjects engaged in agriculture, and the regulations which had been established to prevent the extension of irregular protection, had been gained.

Cid Mohammed Bargash requested me to thank Her Majesty's Government for the support and friendly counsels which he had received from Mr. West during the Conference. It affords me much pleasure in carrying out his Excellency's wishes, for I am much indebted also to Mr. West for having kept me so promptly and thoroughly informed of all that took place at the Conference from the commencement to the day it was closed.

I have concurred entirely with the views and opinions of Mr. West which were communicated to me during the progress of the negotiations.

Cid Mohammed Bargash expressed also his thanks to me for having induced the Sultan, when I visited the Court, to address him the letter of the 3rd May regarding the Jews, as he said it had enabled him at a critical moment, when the question of religious toleration was submitted to the Conference by the Representative for Austria-Hungary, to produce a document which afforded proofs of the liberal sentiments which animate His Majesty.

Cid Mohammed Bargash expressed his apprehension that he would have a difficult task in requiring the foreign Representatives at Tangier to act up to the letter of the stipulations of the Convention, as dictation rather than discussion was the mode of procedure adopted by the Representatives of certain Powers in their dealings with this weak Government.

He observed, however, that it had been very advantageous to the Moorish Government to have had the concluding negotiations on the question of protection conducted at a foreign capital, instead of Tangier, as, in case of questions arising regarding the interpretation of the several Articles of the Convention, he would be enabled to appeal to the disinterested opinions of those who signed it.

As the German, Italian, French, Belgian, and Swedish Representatives have left, or are about to depart on leave, it would have been of no avail my remaining to discuss the question of taxation or to aid in carrying out the provisions of the Convention. That will have to be deferred until October, when all the Representatives will be assembled here.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

P.S.—Mr. West has communicated to me the despatch he addressed your Lordship on the 4th July regarding the attitude of the French and Italian Representatives during the Conference.

I concur with the opinions he has expressed in that despatch.

J. H. D. H.

No. 202.

Mr. West to Earl Granville.—(Received July 19.)

(No. 195.)

My Lord,

Madrid, July 16, 1880.

THE recent murder of a Jew in Morocco during (as it were) the sitting of the Conference, and notwithstanding the assurances of the Sultan, given in his letter to his Plenipotentiary, that the Jewish population should be adequately protected, will doubtless cause great indignation amongst the Jewish community in Europe, and give rise to representations on the subject to the Governments which took part in it.

The foreign Representatives, either collectively or individually, will have just cause to demand and insist upon the immediate dismissal and punishment of the offending Governor, and instructions in this sense will, I feel confident, be sent to the Spanish Representative at Tangiers. This outrage is a strong confirmation of the fact that the foreign protection afforded to the wealthy Jews in the ports benefits little their poorer co-religionists in the interior of the country, where the fanaticism which prevails can only be suppressed by the Sultan's paramount authority, and it may be doubted whether this even will be found sufficient.

The Conference could scarcely do more than take account of the situation of the Jewish subjects of the Sultan and the dangers they are exposed to from religious hatred, with the object of securing toleration; but this toleration can hardly be expected to be exercised, when, as in the present case of outrage, the unfortunate victim was infringing the religious law of the country by allowing a Mahomedan woman to reside with him in his house, against the consequences of which act the declaration of the Plenipotentiaries could not provide.

I have, &c.
(Signed) L. S. SACKVILLE WEST.

No. 203.

Earl Granville to Mr. West.

(No. 126.)

Sir,

Foreign Office, July 20, 1880.

I HAVE received and laid before the Queen your despatch No. 186 of the 6th instant, inclosing copies of the Convention, signed at Madrid on the 3rd instant by the Plenipotentiaries of the Powers represented in the Conference, on the question of foreign protection to the subjects of the Sultan of Morocco.

I take this opportunity of expressing to you the entire approval by Her Majesty's Government of the manner in which you have carried out the duty entrusted to you as Representative of Her Majesty the Queen in the Conference.

I am, &c.
(Signed) GRANVILLE.

No. 204.

Earl Granville to Sir J. Drummond Hay.

(No. 68.)

Sir,

Foreign Office, July 23, 1880.

I INCLOSE, for your information, a copy of a despatch from Her Majesty's Minister at Madrid,* forwarding the Convention, signed in that capital on the 3rd instant, for establishing uniformity in the exercise of the right of granting foreign protection to the subjects of the Sultan of Morocco.

Her Majesty's Government attach great importance to the declaration respecting religious liberty, recorded in Protocol No. 12 of the Conference, and to the letter of the Sultan in the same Protocol, and I have to instruct you to use your best endeavours that due effect may be given to these documents, and to impress strongly on the Moorish Government the justice and necessity of removing all the disabilities and degrading customs to which the Jewish subjects of the Empire are exposed.

I am, &c.
(Signed) GRANVILLE.

* No. 199.